

Please note, these transcripts are not individually reviewed and approved for accuracy.

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
AGENDA BRIEFING WORKSHOP

JOE SERNA JR., CAL EPA BUILDING  
COASTAL HEARING ROOM  
1001 I STREET, SECOND FLOOR  
SACRAMENTO, CALIFORNIA

WEDNESDAY, MARCH 6, 2002

9:35 A.M.

Doris M. Bailey, CSR, RPR, CRR  
Certified Shorthand Reporter  
License Number 8751

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair

STEVEN R. JONES

JOSE MEDINA

MICHAEL PAPARIAN

STAFF PRESENT:

MARK LEARY, Executive Director

KATHRYN TOBIAS, Chief Legal Counsel

ELLIOT BLOCK, Legal Counsel

DEBORAH MCKEE, Board Assistant

EDNA WALZ, Office of Attorney General

--oOo--

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

I N D E X

|   | PAGE |
|---|------|
| Agenda Item 1 - Review of Monthly Board Meeting Agenda  | 1    |
| Agenda Item 2 - Discussion of Issues Re: Use of Persistent Herbicide Clopyralid and its Impacts on Composting in California | 37   |
| Agenda Item 3 - Discussion of Petition For Rural Reduction Application And Process  | 100  |
| Agenda Item 4 - Discussion of Completed Contract Services with Del Norte SWMA Contract Number IWM C8069                     | 114  |

--oOo--

1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning.

4 We have a very full day, so I'd like to go ahead and get  
5 started.

6 Welcome to our informal agenda review. So the  
7 procedure, for those of you who haven't been here  
8 before, is the Board and staff go through our agenda for  
9 next week in El Centro. Thank you. And Board staff are  
10 free to ask questions at any time, it's very informal.

11 Members of the public, after each section, for  
12 example permits and enforcement, I will ask if any  
13 public members wish to speak.

14 So we'll go through our agenda for next week,  
15 then we'll go onto the discussion items.

16 So if you're here for our discussion items, it  
17 will be a little while. I hope to be through with THE  
18 agenda by about 10:30, and then we'll go into the  
19 discussion items and hopefully adjourn by lunchtime  
20 because we do have a budget subcommittee that's  
21 scheduled this afternoon.

22 So with that, please turn off all cell phones  
23 and I will turn it over to Mr. Leary.

24 EXECUTIVE DIRECTOR LEARY: Good morning, Madam  
25 Chair, thank you, and members of the Board.

1           Quickly, by way of introduction to agenda item  
2 one, review of the monthly Board meeting, I have a  
3 little update on logistics for next week, and our  
4 schedule in terms of tours and such.

5           It appeared to us as we were reviewing the  
6 agenda and preparing for this meeting and, of course,  
7 next week, that Tuesday may end up not necessarily a  
8 full day depending on how discussion goes.

9           And we thought for the convenience of ourselves  
10 and the Board members, it might be simpler to schedule  
11 our tours late Tuesday afternoon. So there will be no  
12 tours on Monday, and there will be two tours scheduled  
13 for Tuesday afternoon beginning at 4:00 o'clock.

14           At 4:00 o'clock we have the opportunity to view  
15 the Imperial Valley Housing Authority and the green  
16 building practices they are incorporating into that  
17 development there.

18           And at 5:00 o'clock a second tour for Alford  
19 Distributing which is also hosting a reception on behalf  
20 of the city and county for us at that facility after a  
21 5:00 o'clock tour. So that will start about 5:30 or  
22 so. So that, Madam Chair, again, that is Tuesday early  
23 evening and into the evening.

24           BOARD CHAIR MOULTON-PATTERSON: Great.

25           EXECUTIVE DIRECTOR LEARY: As far as the

1 Board's agenda next week, let me just, I have been a  
2 little late in preparing the consent memo and I  
3 apologize for that, but I'll just suggest to you now  
4 that we are, would like to propose agenda items 7, 12,  
5 and 21 for consent, that's two scope of works and the  
6 approval of the unincorporated San Bernardino County  
7 NDFE.

8 And then last but not least, agenda items 14,  
9 15 and 30 have been pulled.

10 Agenda item one is, we're proposing to do in  
11 the normal sequence of the DPLA section of the agenda,  
12 so that will not occur until actually the first thing  
13 after agenda item 19 on Wednesday.

14 So we'll actually start on Tuesday morning with  
15 agenda item two in the P&E section.

16 And I'll turn it over unless there's a  
17 question.

18 BOARD CHAIR MOULTON-PATTERSON: Okay. Any  
19 questions on one? Guess not, so we'll go ahead to Ms.  
20 Nauman.

21 MS. NAUMAN: Good morning, Madam Chair and  
22 Board members, Julie Nauman with the Permitting and  
23 Enforcement Division.

24 Item number two is consideration of a revised  
25 solid waste facility permit transfer processing station

1 for the San Francisco solid waste transfer and recycling  
2 center obviously located in San Francisco County.

3           You'll note on page 2-3 the key issues. What's  
4 happening here is an increase in the permitted boundary  
5 for the total recycling building, which holds the public  
6 disposal area, and that's actually being relocated.

7           They're going to be constructing a major new  
8 building in the facility to house the industrial  
9 materials recovery facility and two C&D sort lines and  
10 organic material transfer operations; and as a result,  
11 increase the traffic volume from a thousand vehicles to  
12 1,100 vehicles a day.

13           We have analyzed all of the issues. I  
14 understand that the pre-permit inspection was conducted,  
15 I believe either yesterday or today, so I don't have a  
16 report back on that inspection which is necessary for us  
17 to determine consistency with state minimum standards,  
18 but obviously we'll have that information for you next  
19 week.

20           So assuming that that all checks out we'll be  
21 recommending concurrence, and we don't have any  
22 opposition.

23           BOARD CHAIR MOULTON-PATTERSON: Okay. I don't  
24 see any questions.

25           MS. NAUMAN: I'll move to, onto item number

1 three. And this is for a new standardized composting  
2 permit for the Fort Irwin composting facility located in  
3 San Bernardino County.

4 As Mark indicated, this is tied to item 21,  
5 which is an amendment to the county's NDFE. That item,  
6 assuming it stays on consent, would then be approved  
7 before you take up this item.

8 That's a new facility. It's going to be  
9 located near the existing landfill. Maximum daily  
10 loading of 6,000 cubic yards. Materials include green  
11 waste, yard trimmings, untreated wood waste, and sewage  
12 sludge.

13 All of the items have been reviewed and  
14 everything is acceptable. There is no known opposition,  
15 and so we'll be recommending concurrence.

16 Item number four is consideration of a new  
17 solid waste facility permit for the South Valley  
18 Organics Composting Facility in Santa Clara County.

19 This is a facility that's been operating under  
20 a registration permit, now moving to a full permit.  
21 They're expanding the compost pad from 11.4 acres to  
22 18.3, increasing their tonnage, increasing vehicle  
23 count, and changing permitted feedstock from just yard  
24 waste and mixed waste to allow post consumer food waste,  
25 food processing, manufacturing, and agricultural waste.



1 So this is a fairly major expansion of this facility  
2 that has a history of operating under a registration  
3 permit. So this is the first time the Board has  
4 actually seen this facility for permitting.

5 We don't know of any opposition on it. We are  
6 still looking at the CEQA documents, there's some timing  
7 involved. The Santa Clara County Board of Supervisors  
8 schedule adoption of the negative declaration on March  
9 8th, which obviously hasn't occurred yet, so our staff  
10 will be monitoring and probably attending the meeting to  
11 hear the dialogue on the adoption of the negative  
12 declaration.

13 So there are still some questions staff has,  
14 and hopefully those can be resolved by next week.

15 BOARD CHAIR MOULTON-PATTERSON: Any questions  
16 for Julie on four? Okay.

17 MS. NAUMAN: Okay. Item number five is  
18 revising the full solid waste facility permit for the  
19 Crazy Horse Landfill located in Monterey County.

20 Two things happening here. An adjustment in  
21 vehicle counts, and change in hours.

22 All of the issues have been reviewed and staff  
23 is satisfied that all findings can be made. We don't  
24 know of any opposition and we'll be recommending  
25 consent -- concurrence excuse me.

1           BOARD MEMBER PAPARIAN: Madam Chair, on that  
2 one.

3           BOARD CHAIR MOULTON-PATTERSON: Mike.

4           BOARD MEMBER PAPARIAN: It does say in the  
5 agenda item there was some community concern about the  
6 facility, I don't know about this specific proposal or  
7 not.

8           Do we have any indication of concern from the  
9 community? Does the community know about this?

10          MS. NAUMAN: I'm going to have Mark answer  
11 that.

12          I know there historically has been some  
13 concerns, and I'll let Mark elaborate.

14          MR. DE BIE: Yeah, just as Julie indicated,  
15 historically there's been concern that the community's  
16 been actively involved with this site through a series  
17 of iterations and changes dealing with changes at the  
18 landfill. They've been involved with the CEQA process  
19 as the landfill continued.

20          With this particular change we've not heard of  
21 any specific concerns from the community relative to the  
22 specific change in the permit.

23          BOARD MEMBER PAPARIAN: And the adjacent  
24 residences, do you have any sense of -- are there a lot  
25 of residences, a few residences, low income, below

1 income?

2 MR. DE BIE: I don't believe it's a  
3 neighborhood that could be described as low income. And  
4 I believe the nearest residence is a few thousand feet  
5 away.

6 MS. NAUMAN: Six hundred feet. And another one  
7 is south eight hundred feet. But it sounds like it's a  
8 fairly sparsely populated area, I don't know if you  
9 could even call it a neighborhood.

10 MR. DE BIE: So there are some houses nearby,  
11 but the majority of the houses are much farther away.

12 BOARD MEMBER PAPARIAN: Okay. Thank you.

13 BOARD CHAIR MOULTON-PATTERSON: Steve.

14 BOARD MEMBER JONES: Mark, this issue, I mean  
15 this permit is coming forward because the material  
16 recovery facility in Salinas basically shut down and  
17 they needed to increase car counts to take care of,  
18 not -- the tonnage never really changed, but it would  
19 just be the amount of vehicles? Isn't that one of the  
20 drivers of this?

21 MR. DE BIE: The increase of vehicles and hours  
22 also are changing. Our understanding is because of some  
23 reduction in operation at some of the other landfills  
24 within the authority is the main driver for this change.

25 BOARD MEMBER JONES: Yeah, the Salinas MRF

1 closed.

2 MR. DE BIE: Okay.

3 BOARD MEMBER JONES: And those, while the  
4 tonnage went to either this facility or Monterey's, it's  
5 the car counts they had to really deal with. And it was  
6 in the middle of when we were doing our -- whatever the  
7 heck we called it, that pap deal, so they submitted.

8 But I think the members just needed to know  
9 that, in the briefing that this was, a lot of this was  
10 because of the closure of the permitted site that  
11 required somewhere to go.

12 MR. DE BIE: That contributed also, it's our  
13 understanding that a number of the vehicles are  
14 associated with bringing in cover material too, and that  
15 hadn't been accounted before during the last revision of  
16 the permit, so they're not necessarily waste associated  
17 vehicles, but cover.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you.

19 MS. NAUMAN: And the last item in the P&E  
20 section is item number six, and we have handed out a  
21 revised agenda item, and copies are available and posted  
22 on the Web.

23 Originally this was going to be a two part item  
24 and we were going to be discussing with you the mine  
25 reclamation survey as well as give you an update on the

1 development of phase two of the C&D regulations.

2 I've taken a look and am still talking with  
3 staff and going through some further analysis of the  
4 information that has been submitted by the contractor,  
5 and I'm not quite ready to bring that forward to the  
6 Board yet. So with your indulgence we won't do that in  
7 this item. Probably next month we'll be able to bring  
8 that program forward to you for a fuller discussion of  
9 the information that we've received from that survey.

10 But I did want to use this opportunity to give  
11 you an update on the development of the phase two of the  
12 C&D regs.

13 You'll recall you approved phase one in  
14 January. The fiscal impact for that phase of the C&D  
15 regs is with ARB now, we're hoping that that will be  
16 completed and we can get the 45 day notice out by the  
17 end of the month.

18 So we're focusing our attention now on phase  
19 two which is, really the more difficult piece of this is  
20 the disposal side of it.

21 We've held two workshops this week, one in  
22 Sacramento and one in Diamond Bar just yesterday, so  
23 we're still kind of pulling together all of the  
24 comments, and we'll be able to give you a fuller report  
25 next week of the key issues that are being discussed

1 with the stakeholders.

2           So we wanted to kind of, this is such an  
3 important reg package we wanted to keep coming back to  
4 you regularly to give you status reports on how we're  
5 doing and when we need some further direction.

6           So we'll have more for you next week.

7           BOARD CHAIR MOULTON-PATTERSON: Okay. Any  
8 questions? Okay. Thank you, Julie.

9           We'll move on to Waste Prevention and Market  
10 Development. Patty.

11           MS. WOHL: Good morning, Madam Chair and Board  
12 members.

13           BOARD CHAIR MOULTON-PATTERSON: Oh, excuse me,  
14 sorry.

15           Any public comments on permits and  
16 enforcement?

17           Seeing none, we'll turn it over to Patty.

18           MS. WOHL: Patty Wohl, Waste Prevention and  
19 Market Development.

20           Agenda item seven is on consent. It's the  
21 consideration of a scope of work for the second  
22 assessment of the California's compost and mulch  
23 producing infrastructure.

24           If you'll remember last month it was a  
25 recommendation out of the ADC item, so we're bringing

1 that forward. It will be in the amount of \$50,000.

2 Are there any questions on that one?

3 Agenda item eight is consideration of approval  
4 of a rigid plastic packaging container compliance  
5 certification for compliance year 2001.

6 And just to remind you, we've been bringing  
7 forward the '97, '98, and '99 compliance agreements. We  
8 have begun the certification process for the year 2,000  
9 which the Board had agreed we would bring seventy  
10 forward that were kind of left over from the last cycle  
11 or the involved mergers or things of that nature.

12 So now we're asking who do you want to certify  
13 for the year 2001. We are going to revise this item  
14 slightly, and you will have that by Friday.

15 We are adding an option, which probably should  
16 have been there from the beginning, which is a fourth  
17 option that would basically be that you have, the Board  
18 does have the discretion to not do a certification if  
19 they feel they want to do that. So we wanted to add  
20 that option for you.

21 Possibly the only reason might be that, you  
22 know, we're knee deep in the '97, '98, '99, and we have  
23 the 2,000 going on, and do we want to have three  
24 certifications going on at once. So we wanted to at  
25 least give you that option.

1           So you will see that shortly, and that's it on  
2 that item unless you have any questions?

3           Okay. Agenda item nine is just the regular  
4 '97, '98, '99 compliance agreements for RPPC, so you've  
5 been seeing those. We are trying to wrap these up, we  
6 might have one more batch coming forward in April.

7           Any questions on that one?

8           BOARD CHAIR MOULTON-PATTERSON: Questions on  
9 nine?

10          MS. WOHL: Okay. And then agenda item ten is  
11 consideration of the approval of the contract for loan  
12 servicing for the recycling market development revolving  
13 loan program.

14          This is a two year contract for \$200,000 out of  
15 RMDZ money. The bids will be opened tomorrow, March  
16 7th, so at this point we don't have a contractor for  
17 you, but we will have that at the Board meeting.

18          Any questions on that one?

19          Okay. And then agenda item 11 is a loan to Wax  
20 Box Firelog Corporation. It's in the amount of \$544,000  
21 to fund working capital to provide leasehold  
22 improvements and purchase equipment.

23          The company takes wax produce boxes and  
24 manufactures fire logs and starter logs.

25          BOARD CHAIR MOULTON-PATTERSON: I just had one



1 question on that one. I visited a facility, and I can't  
2 remember, it was in Northern California, it wasn't this  
3 one, but they worked with, they hired disabled people to  
4 work there. This isn't in competition, or do you know,  
5 or is that still in existence? I think it was in Yreka  
6 or --

7 MS. WOHL: Yeah, I think there is another one,  
8 maybe Jim could answer that.

9 BOARD CHAIR MOULTON-PATTERSON: Is this the  
10 same type of thing or --

11 MR. LA TANNER: Jim La Tanner. No, that's the  
12 Porterville Shelter Workshop that you visited.

13 This facility, they buy the equipment  
14 technology from the inventor up in Redding, and they're  
15 not in competition with the Redding operations because  
16 they're taking wax produce boxes from the local markets.

17 BOARD CHAIR MOULTON-PATTERSON: Okay, great.  
18 Thank you.

19 MS. WOHL: And then agenda item 12 and 13 are  
20 tied.

21 12 is on consent. It's the scope of work, and  
22 then 13 would be the award to the California Department  
23 of Food and Ag as the contractor for the Fertilizer,  
24 Research, and Education Program Partnership known as  
25 FREPP.

1           And how this works is FREPP puts out an  
2   agricultural nutrient and soil management projects and  
3   they post \$4.6 million to fund 92 projects.

4           We in turn are adding \$25,925 to the pot, a not  
5   significant amount as you can tell. But what we will  
6   get is that they're willing to target products using  
7   urban derived compost and mulch. So it's kind of a good  
8   bang for our buck.

9           BOARD CHAIR MOULTON-PATTERSON: Great.

10          BOARD MEMBER PAPARIAN: Madam Chair.

11          BOARD CHAIR MOULTON-PATTERSON: Mike.

12          BOARD MEMBER PAPARIAN: One question. In the  
13   scope of work, item three in the scope of work says that  
14   one of the objectives is to address cross-media  
15   environmental issues. I wonder if you could just  
16   briefly explain what we have in mind there, what are the  
17   cross-media environmental issues.

18          MS. WOHL: Sure, Howard Levenson is here to  
19   discuss this.

20          MR. LEVENSON: Howard Levenson from the Market  
21   Division.

22          That could be a number of different things, but  
23   the FREPP program generally deals with soil and  
24   fertilizer management, and in some of our projects if we  
25   bring in a compost mulch component could deal with

1 reduced fertilizer, for example, it could be reduced  
2 run-off, things like that. So it depends on the nature  
3 of the applications, but it would be those kinds of  
4 topics.

5 BOARD MEMBER PAPARIAN: Okay. Thank you.

6 BOARD CHAIR MOULTON-PATTERSON: Okay.

7 MS. WOHL: So that's it for my group.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you,  
9 Patty.

10 Any questions or public comments on Waste  
11 Prevention and Market Development?

12 Seeing none, we'll move right into the  
13 executive portion. 14 and 15 are pulled.

14 16, Carroll.

15 MS. MORTENSEN: I'm going to take the  
16 opportunity to provide the Board an update of the new  
17 legislation that have been introduced this year.

18 And we're looking at about almost two dozen  
19 bills that have a direct impact to the Waste Board. So  
20 I'll be providing an update at that time on all those  
21 bills.

22 BOARD CHAIR MOULTON-PATTERSON: Great. Thank  
23 you.

24 BOARD CHAIR MOULTON-PATTERSON: Diversion,  
25 Planning and Local Assistance, 17. Pat.

1           MR. SCHIAVO: Item number 17 is consideration  
2 of the award of potential recipients for the Trash  
3 Cutters Awards. This is the fourth annual award  
4 program.

5           At the May, 2001, Board meeting, Board approved  
6 award categories and selection criteria, so staff, from  
7 a panel of people from DPLA as well as markets formed  
8 the panel and evaluated the jurisdictions based on the  
9 criteria, came up with the following award recipients  
10 based on that criteria.

11           We would plan on actually having the awards  
12 presented at a subsequent Board meeting, again based on  
13 the approval of the Board's concurrence of the  
14 recommendations.

15           BOARD CHAIR MOULTON-PATTERSON: So, there are  
16 14 categories and we have eight winners, is that right?

17           MR. SCHIAVO: Right.

18           BOARD CHAIR MOULTON-PATTERSON: So did we not  
19 have many applicants?

20           MR. SCHIAVO: We only had eight jurisdictions  
21 with 18 applications.

22           What we did to promote the program is we sent  
23 out applications to all the jurisdictions; we put it on  
24 the website; we also did a follow-up e-mail at  
25 conferences and workshops. We followed up with

1 jurisdictions to allow them to understand that we're  
2 going to have the program. We also had individual one  
3 on one contact, staff would remind jurisdictions.

4           So I'm not sure exactly what happened. We're  
5 wondering if it was the timing, because over the  
6 holidays did that create any issues. Is it because of  
7 some of the budgetary issues and people felt crunched  
8 trying to get their annual reports completed. So we're  
9 not sure, but we want to go back and evaluate what the  
10 issues were.

11           BOARD CHAIR MOULTON-PATTERSON: Thank you, Pat.

12           Okay. 18.

13           MR. SCHIAVO: Item number 18 is, this program  
14 essentially mirrors the jurisdiction program, and this  
15 is to award state agencies and facilities, the same kind  
16 of program, outstanding waste reduction programs.

17           We also had a committee comprised of the same  
18 folks that reviewed the Trash Cutters for jurisdictions.

19           Again the same issue. We promoted this, we had  
20 training workshops, we had hundreds of people attend, we  
21 promoted it there, we sent out brochures. Again the  
22 same process we went through, the one on one contacts.

23           Again we're going to have to go back and  
24 reevaluate why, maybe it's a product, it's a new  
25 program. And we're not sure but we're going to go ahead

1 and pursue that.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
3 you. 19.

4 MR. SCHIAVO: Item number 19 is consideration  
5 of a request for extending compliance order due dates  
6 for the city of Westmorland.

7 Westmorland did a 1998 base year, and the  
8 result was 23 percent diversion. As a result they had  
9 to go back and look at implementing additional programs  
10 to get over the 25 percent goal because it's based on  
11 the 1995-'96 biennial review process.

12 There are two programs that are outstanding  
13 that they're committed to implementing. One is going to  
14 be implemented in April, the other in May. But we want  
15 to make sure that they implement those programs before  
16 we pull 'em off of compliance.

17 And just another piece of information is that  
18 for the 1999 and 2,000 diversion rates they're at 28  
19 percent and 39 percent respectively, so they have moved  
20 forward. They are implementing programs, but we just  
21 want to make sure these guys continue to implement  
22 additional programs as they originally committed to.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. I don't  
24 see any questions, so we'll go on to 20.

25 MR. SCHIAVO: Okay. Item number 20 is, oh,

1 these got reversed actually. I'll address 20 anyway.

2 Item number 20 we found out at the last Board  
3 meeting that the union had some concerns. Since that  
4 time staff has talked with the union representative to  
5 find out what the concerns were, we didn't know  
6 beforehand.

7 As a result, we've been working with other  
8 state agencies to find out who is available to do the  
9 work.

10 We're going to have some second interviews  
11 starting, commencing tomorrow actually to find out if  
12 they really can do the work.

13 Some don't have the time that we contacted,  
14 some haven't gotten back to us, there's been a couple of  
15 others that seem to be more receptive. So we're, we'll  
16 have a more definitive answer before the Board meeting  
17 next week.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you for  
19 handling those.

20 Next. 21 is on consent. Do we have any  
21 questions on 21?

22 Why don't you go to 22?

23 MR. SCHIAVO: Okay. Item number 22 is the  
24 biennial review findings. And this is the first group,  
25 and we have two groups like we did last month.

1           These are mostly Southern California  
2 jurisdictions. In a couple of cases, a few cases you'll  
3 see where they did have some significant jumps from '99,  
4 or '98, '99, 2000.

5           Part of that is going to be a result of  
6 completing, or the process of fixing the disposal  
7 reporting system, going from quarterly reporting to  
8 daily. So this will be the first year that they get  
9 the, to take advantage of transformation credits as  
10 well.

11           Steve Uselton from the Southern California  
12 office is here and he can answer any questions you may  
13 have about specific jurisdictions.

14           BOARD CHAIR MOULTON-PATTERSON: Mike.

15           BOARD MEMBER PAPARIAN: I may want to speak to  
16 the Board meeting as to some specific questions, but  
17 what I'll, what I'll want a little bit of background on  
18 is just how some of these jurisdictions made big jumps,  
19 like 25 to 54, 21 to 50. You know, I'm hopeful that  
20 like last month we had very good explanations why that  
21 happened, but I'm just curious why.

22           MR. SCHIAVO: All the jurisdictions --

23           BOARD MEMBER PAPARIAN: And then, just for my  
24 fellow Board members. I'm thinking about this sort of  
25 thing in the future, maybe suggesting that when there is



1 a jump of maybe five points or so in a year that we just  
2 get some explanation of what happened there. And if  
3 there's further issues of course staff can bring it to  
4 our attention.

5 BOARD CHAIR MOULTON-PATTERSON: I think it's a  
6 good idea.

7 BOARD MEMBER PAPARIAN: Thank you.

8 BOARD CHAIR MOULTON-PATTERSON: So Steve,  
9 you'll be ready to present those?

10 MR. SCHIAVO: You know, and again the  
11 jurisdictions are all invited. We can't assure they'll  
12 be there, we hope they are because it's their  
13 responsibility, but --

14 Item number 23.

15 BOARD CHAIR MOULTON-PATTERSON: Just a moment,  
16 Pat.

17 Steve.

18 BOARD MEMBER JONES: Just a question, a little  
19 heads up before the Board meeting.

20 There are a couple of these jurisdictions that  
21 have new base years. One of the concerns we had a long  
22 time ago, believe me, it's been prior to figuring out  
23 some of these other games, was that the year that they  
24 did the base year the number would be real low, but the  
25 resulting, the following years could show big diversion

1 just by, just by the virtue of how they did their base  
2 years.

3           So maybe, just if you could have the  
4 information as to who did the base years and what the  
5 things were.

6           And I've got a little bit of concern of a few  
7 of these jurisdictions that actually dropped programs  
8 like composting or yard waste collection and yet they're  
9 showing 60 and 80 percent, or I don't want to -- 65  
10 percent.

11           It's, I don't understand how you get 65 -- and  
12 this is not on you guys, okay, so don't, I'm not  
13 addressing this to staff, just let, have some  
14 information of why they dropped that program and where  
15 they picked up the new diversion.

16           MR. USELTON: Yeah, the alternatives?

17           BOARD MEMBER JONES: What were the alternatives  
18 that took over. You had a reason for dropping it,  
19 that's cool, but you, that reason was driven by  
20 something.

21           And if it's dirt and rock going into one of  
22 these inert sites, or somebody that's recycling ten  
23 pallets fifty times a day, then we ought to know that,  
24 you know, so that we can -- so just that kind of  
25 information, Steve, nothing bad.

1 MR. USELTON: Okay.

2 BOARD MEMBER JONES: I mean I'm really happy  
3 with a few of these where we saw 51, 51, 50, 52, and  
4 then a 55, that's a consistent roll. But the new base  
5 years, you know, they're looking at their waste streams  
6 and that's fine, it's just that I think we need to know  
7 why they looked at their base years, changed them, and  
8 then dropped programs.

9 MR. USELTON: And we'll try to highlight some  
10 of those programs that those high diversion rates, how  
11 they've done it.

12 BOARD MEMBER JONES: That would be great.  
13 Thanks, Madam Chair.

14 BOARD CHAIR MOULTON-PATTERSON: Thanks, Steve.  
15 Item 23.

16 MR. SCHIAVO: Item 23 is a continuation, so  
17 we'll be prepared for it.

18 BOARD CHAIR MOULTON-PATTERSON: Okay.

19 MR. SCHIAVO: Item number 24. Technically at  
20 the Board meeting this should come before item number  
21 20, somehow it got inserted wrong.

22 This is actually the scope of work that  
23 supports the awarded contractor, and this hasn't changed  
24 from the last Board meeting or the budget briefing.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank

1 you. Any final questions from the Board for Pat?

2 Okay. Does the audience have any questions on  
3 this section of the agenda?

4 Seeing none, we'll go to Special Waste.

5 MS. GILDART: Good morning, Martha Gildart with  
6 the Special Waste Division.

7 Item 25 presents the staff recommendation for  
8 award for the reissued tire product commercialization  
9 grant. If you remember, this has had a bit of a  
10 controversial history.

11 The original criteria were approved last April,  
12 with recommendations coming to the Board in November.  
13 However, the Board directed revisions to the criteria,  
14 so that the NOFA was reissued in December with a due  
15 date for applications of February 1st.

16 We've convened the panel. There were two Board  
17 members and two staff, and they've been working up to  
18 the minute on a very tight deadline to review the 22  
19 qualifying applications that were requesting over \$5  
20 million.

21 What's being handed out now are the draft staff  
22 recommendations for award. We'll be placing these on  
23 the back table for members of the audience also to get  
24 copies, but these are literally hot off the presses.

25 If you will notice, in the listing there are

1 eight passing applications for a total of just under \$2  
2 million. There is a ninth application that is also a  
3 passing application, but we don't have sufficient funds  
4 to fully fund it in the Board's consideration of  
5 reallocations of unexpended tire funds. In April there  
6 may be a chance to fund that project.

7           Of these nine projects, five of them were  
8 previously recommended in the last round for funding.  
9 One is a former applicant who has moved up in ranking  
10 and is now recommended for passing. And there are two  
11 totally new applications. In addition, that ninth  
12 applicant that is dependent upon reallocated funds is  
13 also a new application.

14           I think these do reflect the Board's emphasis  
15 on molded rubber. And we're available to take any  
16 questions right now.

17           BOARD CHAIR MOULTON-PATTERSON: Any questions?

18           MS. NAUMAN: I realize this is sort of last  
19 minute, but we literally, the panel was working up until  
20 Tuesday, I think it was, Monday.

21           BOARD MEMBER JONES: Yeah, Monday afternoon  
22 pretty late. This is the one that Senator Roberti and I  
23 are on.

24           BOARD MEMBER PAPARIAN: I want to thank the  
25 staff for all the extra effort they've put into all

1 this. I know it's very been a very difficult couple of  
2 months dealing with this, but I certainly appreciate the  
3 extra effort that's going into this.

4 BOARD CHAIR MOULTON-PATTERSON: I certainly  
5 concur, and I want to thank Steve and Senator Roberti  
6 for all of your work. It's a good experience.

7 BOARD MEMBER JONES: I appreciate it, and I  
8 will let the Senator talk to this issue at the Board  
9 meeting because we did have some revelations.

10 But I want to thank, I want to thank the staff  
11 because I don't know if they're all going to be here,  
12 but I mean these guys work hard to pump this stuff out,  
13 and it's real clear, you know, that an awful lot of  
14 thought goes into these.

15 And you would be surprised how close that panel  
16 can be, even with such differing viewpoints. So the  
17 system works.

18 BOARD CHAIR MOULTON-PATTERSON: Great. Well  
19 thank you, all of you.

20 26.

21 MS. GILDART: Item 26. Staff is proposing a  
22 bit of a change to the Board's normal grant process.  
23 This item deals with the proposed grant program for  
24 energy recovery from tires.

25 The information that's contained in the five

1 year plan where \$500,000 was allocated for the current  
2 fiscal year; a million dollars for next current, next  
3 fiscal year; and then 500,000 for the 2003 -- 2003-2004  
4 fiscal year.

5           Because of the lateness in the year, staff is  
6 proposing that we combine funding of two fiscal years so  
7 that actual grant agreements would be struck in June and  
8 then later in July after the budget is signed, for a  
9 total of 1.5 million, offering up to \$250,000 per grant  
10 on a very accelerated timeline here.

11           We're hoping to be able to bring the actual  
12 awards back to the Board in May. We're hoping to  
13 accomplish that by making it a very targeted and focused  
14 grant.

15           The grant is going to be available to coal fire  
16 facilities in California. That would include the  
17 co-generation plants and the cement kilns, but that's  
18 only a dozen or so possible applicants, and we don't  
19 think more than half of those would be applying for this  
20 grant.

21           So we think we can do a very accelerated  
22 review, where instead of teasing out real fine points on  
23 all of the scores on the different general and program  
24 criteria, we'd be instructing the panelists to look at  
25 an either/or; did they do it well enough, all the

1 points; if not, zero. So that it would be a real clear  
2 separation, and hopefully a very small applicant pool.

3           The reason the staff is proposing granting  
4 these energy recovery funds to coal fire facilities is  
5 that those are the ones that have the most similar  
6 combustion characteristics, technologies, emission  
7 controls, and ash controls to what tires require, and  
8 can most rapidly be incorporated, tires can be rapidly  
9 incorporated into that fuel blend.

10           We've done quite a bit of work with a couple of  
11 the co-gen plants and cement kilns, so we're confident  
12 that this technology works, and are trying to offer a  
13 fairly narrow range right now.

14           In future years if the Board wishes to expand  
15 beyond coal fire facilities, this energy recovery  
16 program, there is a third fiscal year funding set aside.

17           So we'll be very interested in hearing your  
18 comments. If you have any questions at this time?

19           BOARD CHAIR MOULTON-PATTERSON: Any questions  
20 on 26?

21           BOARD MEMBER PAPARIAN: Yeah, Madam Chair.

22           BOARD CHAIR MOULTON-PATTERSON: Mike.

23           BOARD MEMBER PAPARIAN: The one area I'm a  
24 little bit concerned about is this program, this program  
25 is under the research part of the five year tire plan as



1 opposed to the market development part and, you know, SB  
2 876 did specify that we're supposed to do studies and  
3 conduct research into promoting alternatives to the  
4 landfill and disposal of tires.

5           When you look at the five year plan, the  
6 research section had some objectives related, as you  
7 might imagine the research including peer review and so  
8 forth.

9           My concern is that, as constructed, this item  
10 appears like a straight grant program for these  
11 facilities as opposed to something that would include a  
12 research component where we would get back and be able  
13 to share information that resulted from the research.

14           So I've actually been working with my staff and  
15 coming up with some language that would help steer the  
16 NOFA and the scoring criteria towards a research  
17 component so that, again, we could get back information  
18 that could be useful and could be shared. I think that  
19 was the original intention for this pot of money in the  
20 five year plan.

21           MS. GILDART: That would be most welcome, the  
22 information or wording that you would like us to include  
23 in the NOFA.

24           In the program criteria, number eight, we are  
25 trying to specify the types of systems that the Board

1 or, you know, that the staff is recommending. And I  
2 think we're reflecting past Board action.

3 The fuel feed system development, analysis  
4 optimization of fuel sizing and ash or emissions  
5 testing, and we split those out in an attempt to  
6 emphasize where we think the need is.

7 And certainly having reports coming back to us  
8 on the results, how that works, whether or not things  
9 need to be finetuned, would be useful.

10 BOARD MEMBER PAPARIAN: Yeah. And again, in a  
11 way that's useful in a research context. I actually  
12 think we can go over this on the side, but I think there  
13 were actually one or two other items in the five year  
14 plan beyond fuel feed development and emission testing  
15 and so forth that we might want to include in the  
16 program criteria. For example, research into promising  
17 energy recovery technologies was one that was called out  
18 in the five year plan for this item.

19 MS. GILDART: Obviously we can try to  
20 incorporate that. What we're working under is an  
21 extremely short timeline, and we had focused in on the  
22 coal fire facilities as those that were farthest along  
23 in their ability to incorporate tires.

24 Researching into newer technologies, other  
25 technologies beyond those I think would require a longer

1 review process to ferret out the right ones, to make  
2 sure that we've got good proposals that will contribute  
3 to the Board's programs and directions on diverting  
4 tires.

5           You know, for instance, the work we've seen in  
6 the past on use in tires as something like a biomass  
7 facility, the change to the ash characteristics is such  
8 that often the ash is no longer available for use as a  
9 soil amendment, it has to be disposed as a hazardous  
10 waste.

11           I think to develop a research proposal on that  
12 kind of technology would perhaps be beyond the timeline  
13 that we've got available now with getting these monies  
14 encumbered by May.

15           But for the coal fire facilities, I think we  
16 could get specific requests from these facilities for  
17 information back to the Board, you know, with more  
18 comfort on our part that we know what we're asking for.

19           We'd be happy to work with you and your staff  
20 on setting those conditions and requirements.

21           BOARD MEMBER PAPARIAN: Thank you.

22           BOARD MEMBER JONES: Madam Chair.

23           BOARD CHAIR MOULTON-PATTERSON: Steve.

24           BOARD MEMBER JONES: Just real quickly. I  
25 agree that we need to keep getting this data in. We've

1 spent a lot of money in the past to try to make sure  
2 that we weren't going to promote something that was  
3 going to be worse than the alternative.

4           But I know that some of that language in the  
5 five year plan about new technologies were really  
6 directed to the diversion technologies where it's been,  
7 I mean on some of that wording on that feedstock of  
8 plastic and tires as a potential feedstock on some  
9 conversion technologies for green fuels, and that was  
10 sort of the impetus, I mean why we included that line in  
11 that piece, because I'm pretty sure I'm the one that  
12 helped get it included, because that's an emerging  
13 technology, but it's a ways away, you know.

14           I think, I think what staff is sort of  
15 wrestling with, and it became real aware to us when we  
16 were doing the grant scoring, is that we only have so  
17 much time to get some of these dollars out. Otherwise  
18 we don't lose 'em until next year, we lose 'em for two  
19 years so, until we get, you know, until we get  
20 reauthorized to expend it.

21           So that's part of the problem. So I like the  
22 idea, and hopefully we'll float some of those ideas out  
23 to all of us prior to the meeting, because I think  
24 there's a way to get what you need and still get some  
25 stuff out there.

1           But that one issue, as I remember, was on stuff  
2   that may not be happening for two or three years. Even  
3   though, I know one's been, CPCFA is actually looking at  
4   some of that. So we're on the cusp, we're getting  
5   closer, but I think it's a ways away.

6           BOARD CHAIR MOULTON-PATTERSON: Thanks.

7           MS. GILDART: Items twenty -- if there are no  
8   other questions?

9           Items 27 and 28 are combined. They are the  
10   scope of work and then the proposed award to the  
11   California State University at Chico.

12           We'll be going over the scope of work in more  
13   detail at the budget subcommittee this afternoon, but  
14   very briefly, at the February meeting the Board directed  
15   staff to make changes to the scope of work so that it  
16   emphasizes the first components that have been proposed;  
17   and that were the literature search, the survey and  
18   targeted focus groups coming back with a plan for a  
19   media outreach campaign.

20           Reflecting that change from the Board, staff is  
21   also proposing a reduction in the funding to \$150,000  
22   rather than the full 250.

23           And then we are still recommending that the  
24   interagency be entered into with Chico State  
25   University. They've got a survey research center that

1 we feel can perform this work quite well.

2           So as I said, if you have questions I can take  
3 some now, but there will also be a, you know, a further  
4 discussion at the subcommittee.

5           BOARD CHAIR MOULTON-PATTERSON: Okay. Any  
6 questions on 27 and 28?

7           Okay. Go on to 29.

8           MS. WILLD-WAGNER: Item 29, I'm Shirley  
9 Willd-Wagner with the Special Waste Division. Good  
10 morning.

11           Is a contract scope of work for the best  
12 management practices for the E-waste electronic waste.  
13 This is contract concept 15, with IWMA funding for  
14 \$69,000.

15           And the scope was developed with the Board's  
16 internal working group with all the different divisions  
17 and office's representatives.

18           Staff's intent here is to pursue a standard  
19 agreement with the local government that's got not only  
20 the qualifications to do this work, I think they'll do a  
21 real bang-up job on it, but also has that perspective of  
22 being a local government; because the purpose of this  
23 contract is to produce tools and guidance documents for  
24 local governments, LEAs, CUPAs, and all of our target  
25 audiences and various stakeholders.

1           The award was pulled from the Board agenda  
2 because the local government would like to see the full  
3 scope as approved by the Board and go to their Board of  
4 Supervisors before they make that commitment.

5           So the award will actually be heard in April.  
6 And we'll have a contractor profile for you long before  
7 then.

8           Any other questions on the scope?

9           BOARD CHAIR MOULTON-PATTERSON: I see none.  
10 And item number 30 has been pulled.

11          MS. WILLD-WAGNER: Item 30, that was the award.

12          BOARD CHAIR MOULTON-PATTERSON: Okay. Any  
13 questions on Special Waste?

14          Okay. We're going to take a ten minute break  
15 before we go into the discussion part of our agenda.

16          (Thereupon there was a brief recess.)

17          BOARD CHAIR MOULTON-PATTERSON: I'd like to  
18 call the meeting back to order. Could I get everyone's  
19 attention, please? Thank you.

20          We're going onto our discussion of the issues  
21 concerning Clopyralid and its impact on composting in  
22 California, a very, very important issue.

23          So I'm going to be turning it over to our staff  
24 first. And Board members might or might not have  
25 comments, and then we have a number of public speakers.

1           So with that, I'll turn it over to staff.

2           MS. WOHL: Good morning, Madam Chair and Board  
3 members, Patty Wohl, Waste Prevention and Market  
4 Development Division.

5           Today's item is the discussion of issues  
6 concerning the use of the persistent herbicide  
7 Clopyralid and its impact on composting in California.

8           I'd like to start by introducing our  
9 distinguished panel here. And I'll start at my far  
10 left.

11           First we have Dr. Tobi Jones. She is the  
12 Assistant Director for the Registration and Health  
13 Evaluation Division at the Department of Pesticide  
14 Regulation.

15           BOARD CHAIR MOULTON-PATTERSON: Welcome, and  
16 thank you for being here.

17           MS. WOHL: And then of our staff, Brian  
18 Larimore of the Waste Board.

19           Howard Levenson, the missing seat, actually our  
20 own Dr. Howard Levenson.

21           And then Judy Friedman next to me.

22           And so I'd like to start by turning it over to  
23 Dr. Howard Levenson.

24           BOARD CHAIR MOULTON-PATTERSON: Thank you.

25           MR. LEVENSON: Good morning, Board members. As



1 you know, we're here to discuss an herbicide, the  
2 chemical in herbicide that's called Clopyralid and its  
3 potential implications for composting in California, the  
4 compost markets, and AB 939 diversion efforts in  
5 general.

6           What we'd like to do this morning is give you a  
7 very brief overview based on the agenda item, and then  
8 also have Dr. Jones make a statement about DPR's  
9 position on this, and then open it back up to you for  
10 questions or comments from the audience.

11           So the Power Point presentation that we have is  
12 really just based on the agenda item. Okay. Got the  
13 bells and whistles today.

14           Why is Clopyralid an issue? Clopyralid is used  
15 by a lot of lawn care companies and some growers to  
16 control broadleaf weeds such as dandelions and star  
17 thistle.

18           It has several advantages; some of which are  
19 that it can be applied much less often than other  
20 herbicides, and it exhibits low toxicity to animals and,  
21 including humans.

22           On the other hand, there are folks who do not  
23 like it, composters and some of the organic farmers,  
24 because it does not break down easily in compost. And  
25 it is toxic at low levels, on the order of several parts

1 per billion to broadleaf ornamentals and vegetables such  
2 as some legumes and tomatoes and some plants in the  
3 daisy family.

4           We are concerned about this, as you know, and  
5 statements have been made about the potential impacts of  
6 this herbicide on the ability of compost markets to  
7 maintain their current levels of production and sales,  
8 and to continue growing in the future. And that has  
9 obvious implications for 939 diversion efforts.

10           This first came to public light due to some  
11 incidents up in Washington which are described in more  
12 detail in the agenda item.

13           There were a couple of situations in 2000 and  
14 2001 in Spokane and Pullman where materials contaminated  
15 with Clopyralid and also with another herbicide  
16 picloram, ended up in compost products, and there was  
17 damage that occurred to various garden and nursery  
18 plants.

19           And there have been a number of different  
20 things that have happened as a result of those  
21 incidents; including some settlements and including some  
22 important regulatory actions that have just been taken  
23 by the Washington Department of Agriculture, and we'll  
24 get to that in a minute.

25           Prior to about 7:15 last night we were aware of

1 two positive hits in California for Clopyralid. You  
2 will hear later on, Brian will speak a little bit later  
3 to this, but we did get information last night that  
4 there is additional information about the presence of  
5 Clopyralid in compost samples taken around the state,  
6 and so we'll get to you on that.

7           Our involvement to date. In November, well  
8 months ago, probably the middle of last year I was  
9 contacted by a number of composters who were concerned  
10 about the Washington situation. And we then began  
11 discussions with Dr. Jones at DPR to start to monitor  
12 the situation.

13           We met in November with Dow AgroSciences, the  
14 Department of Food and Agriculture, and DPR.

15           We then met in December with, forgive me for  
16 all these acronyms, they all have C's and R's in them  
17 probably because that's the requirement for Waste Board  
18 acronyms. CORC, California Organics Recycling Council;  
19 CCQC, California Compost Quality Council; UC Coop  
20 Extension; U.S. EPA region nine; City of San Diego; and  
21 there were other folks at that meeting as well. And we  
22 have shared the notes from that meeting with a wide  
23 variety of folks.

24           There have been a number of letters that have  
25 come in. We did get a letter to, I know that it went to

1 Chair Moulton-Patterson, and I think it may have been  
2 CC'd to other Board members, from CORC expressing its  
3 concerns.

4           And there have been a number of different  
5 things that have happened since then that we have  
6 outlined in the item, culminating probably -- well not  
7 culminating, nothing culminates on this -- the L.A.  
8 Times article or editorial on Monday about "Stop the  
9 Killer Compost." So the phones have been ringing off  
10 the hook for everybody, I'm sure, since then.

11           I'm going to turn it over to Brian for a couple  
12 of minutes as we talk about, he's going to talk about a  
13 little of the technical information that we have. And  
14 then I'll wrap up with what various folks have  
15 suggested, and then we'll turn it over to Dr. Jones.

16           MR. LARIMORE: Many plants are tolerant to  
17 Clopyralid, including grasses, mint, asparagus, corn,  
18 and other crops. However, others are sensitive at  
19 levels as low as three parts per billion such as legumes  
20 which includes peas, beans, and clover, potatoes,  
21 tomatoes, and sunflowers.

22           According to the material safety data sheet for  
23 Clopyralid products, the half-life of Clopyralid is 71  
24 days, however this is under ideal lab conditions. In  
25 fact, it has been found to persist up to two years in

1 compost at levels that are toxic to plants.

2 Dow is studying whether the rate of degradation  
3 during composting can be increased.

4 Dow AgroSciences manufactures five Clopyralid  
5 products. Dow also sells to Riverdale which has four  
6 products. Both Dow and Riverdale sell formulations to  
7 six other companies which sell eight different products.

8 According to the DPR's pesticide use data, the  
9 counties that used the highest amount of Clopyralid in  
10 2,000 are Sonoma, Santa Clara, Imperial, Contra Costa,  
11 Tulare, Monterey, and San Luis Obispo.

12 Currently the CIWMB composting regulations  
13 don't require testing. CCQC, CORC, and CRRC arranged  
14 voluntary testing in February. This testing keeps site  
15 names confidential.

16 Last night we received an e-mail indicating  
17 that 13 out of 20 samples tested positive for Clopyralid  
18 at two to 13 parts per million.

19 BOARD CHAIR MOULTON-PATTERSON: How many?  
20 Could you repeat that?

21 MR. LARIMORE: Pardon me?

22 BOARD CHAIR MOULTON-PATTERSON: Could you  
23 repeat that?

24 MR. LARIMORE: Yes, 13 out of 20 facilities  
25 tested positive at 2 to 13 parts per billion.

1           BOARD CHAIR MOULTON-PATTERSON: Thank you.

2           MR. LARIMORE: DPR is evaluating if more  
3 testing or other data is needed in order to identify an  
4 appropriate scope of regulatory actions.

5           Now I'll turn it back to Howard.

6           MR. LEVENSON: Okay. Tobi will be able to  
7 speak to this in much more detail. But very briefly, in  
8 terms of the regulatory framework for this issue, DPR  
9 evaluates and licenses in quotes "registers" pesticides  
10 for sale in California. And the license for those sales  
11 is reviewed annually. And DPR can consider a variety of  
12 different options, including restrictions and other  
13 types of activities, if it feels that such action is  
14 warranted.

15           There are, the labeling situation is a little  
16 more complicated because the label for pesticide  
17 products is actually approved by U.S. EPA and cannot be  
18 changed, although it can be added to if the department  
19 or DPR requires or requests that additional information  
20 be included.

21           As detailed in the item, some of the labels on  
22 the products that are sold in California do have  
23 warnings about not having these materials go to  
24 composting; not having, they warn about the  
25 possibilities of contaminating compost from the spray of

1 materials. But some of them do not.

2           And one of the issues that has been raised by a  
3 number of composters is that something that might be  
4 called the chain of custody issue, where you have  
5 materials sprayed in one area and they're taken off the  
6 field or off of -- well, off the field situation by one  
7 entity, transferred to another, and eventually they end  
8 up in a composting operation where the composter has no  
9 idea of what that chain has actually been.

10           Now, the state of Washington has undertaken a  
11 lengthy pre-regulatory process, and just actually this  
12 week, the date that's on this slide is now out of date,  
13 Washington issued emergency regulations that were  
14 effective March 1st, that just happened over the  
15 weekend.

16           These basically would restrict the application  
17 of Clopyralid containing herbicides to, restrict their  
18 application on, or their use on residential and  
19 commercial lawns. It would allow application on golf  
20 courses if there's documentation that no vegetation  
21 leaves the site. And it would require applicators to  
22 notify groundskeepers that no vegetation can be sent to  
23 composters.

24           So in a sense, it both restricts some of the  
25 uses that are allowed and attempts to establish some

1 chain of custody on this, on the use.

2           We have, over the last few months, gotten a lot  
3 of different ideas sent in, or heard about a lot of  
4 different ideas related to what should be done. And the  
5 next couple of slides just reviews some of that  
6 material. Some of it is out of date on the slides based  
7 on input that we've gotten in the last day or two.

8           But the ideas have ranged from banning the  
9 Clopyralid entirely from the grass roots recycling  
10 network. The U.S. Composting Council, at least in  
11 earlier versions of some of its policy statements,  
12 indicate that the U.S. EPA and Dow should clarify  
13 liabilities involved in the use of Clopyralid.

14           Also, the composting council called for some  
15 form of compensation for composters and organic growers  
16 that are, that suffer damages due to the contamination  
17 by this herbicide.

18           The L.A. County Board of Supervisors has asked  
19 its staff to come back with a draft report and  
20 recommendations. The material that is in this slide and  
21 in the agenda item is out of date, and I believe there's  
22 someone here from the county who might be able to speak  
23 to what their current report looks like or where, where  
24 the status of that action is. But they are considering  
25 what to do in response to this.



1           We have had a number of different  
2   communications and meetings with Dow. And some of the  
3   ideas that Dow has put forward including updating labels  
4   to clarify instructions; developing an education  
5   communications plan for the various folks who use the  
6   herbicide; asking compost operators to regularly test.

7           We have a letter that I just got from Dow this  
8   morning, I haven't even had a chance to read it, so  
9   there's probably other things that they would like to  
10  suggest, and I know they have some corrections on some  
11  of the technical information in the item as well.

12           We also received a January 25th letter to the  
13  Board from the various composting related organizations;  
14  again the California Organic Recycling Council;  
15  California Compost Quality Council; California Resource  
16  Recovery Council; Californians Against Waste; California  
17  Certified Organic Farmers; and Organic Materials Review  
18  Institute.

19           These, that letter asked that, or indicated  
20  that the U.S. EPA needs to include what happens during  
21  composting as one of its criteria for registering  
22  pesticide products in the first place. The letter also  
23  spoke to the issue of compensation for composters and  
24  customers who suffer damages. And it asked that  
25  products be removed that might result, whose use might

1 result in contaminated feedstock going to a composting  
2 facility or in damage to non-targeted plants.

3 In the last couple of days, and I've tried to  
4 forward what I can to Board offices, we have gotten more  
5 input from L.A. County.

6 A letter from Karen Grow.

7 We've got an e-mail and a letter this morning  
8 from Dow AgroSciences.

9 A letter came in yesterday from the past  
10 president of the Golf Course Superintendents Association  
11 of America.

12 I also got a letter yesterday from UC Davis  
13 Coop Extension.

14 We had the L.A. Time's editorial on Monday.

15 And I got a response via slow mail on the  
16 department's pesticide regulation, response to that  
17 January 25th letter as well.

18 And then finally the last thing that came in  
19 today besides a letter from Dow and from Edgar and  
20 Associates was the testing information that Brian spoke  
21 about, and which I believe some of the composting  
22 representatives will give you more details on.

23 The end of this item, which as you know is a  
24 discussion item, is, just lists a range of different  
25 kinds of things that could be discussed, kind of trying

1 to cull from the stakeholder recommendations, the  
2 various directions that you might go in depending on,  
3 you know, how the Board wants us to proceed.

4           These range at the top from developing  
5 publications about Clopyralid and compost.

6           Second, doing more work on alternatives to  
7 Clopyralid.

8           Third, having some kind of educational program.

9           Fourth, working with the various stakeholders  
10 and DPR on label revisions.

11           Fifth, working with DPR and the various  
12 stakeholders on a testing program that the DPR might  
13 need to support its own regulatory actions.

14           And then lastly, a legislative front mitigating  
15 and eliminating the problem.

16           With that I will stop and I will be happy to  
17 answer any questions that the Board has, or if you'd  
18 like we can have Dr. Jones make a statement.

19           BOARD CHAIR MOULTON-PATTERSON: Jose.

20           BOARD MEMBER MEDINA: I see that landscape  
21 maintenance and right of way account for 62 percent of  
22 usage and application. Do you know whether Caltrans  
23 uses it and, if so, how much of the landscape  
24 maintenance or rights of way they account for?

25           MR. LEVENSON: Mr. Medina, I'm not aware of any

1 data that we have on CalTrans' use, we can certainly  
2 investigate that. The pesticide use reporting is by  
3 county and by type of application, but not the actual  
4 applicator, so you would have to go and seek that  
5 information from Caltrans.

6 BOARD MEMBER MEDINA: And just going beyond  
7 Caltrans, just looking at the major applicators would be  
8 helpful.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you.

10 MR. LEVENSON: I just would also like to add  
11 that I know that there is some concern about the actual  
12 breakout of use patterns in our item, and you'll  
13 probably hear about that from Dow.

14 BOARD MEMBER MEDINA: I do know this was an  
15 issue with Caltrans three years ago when I was there,  
16 the type of pesticide that was going to be used along  
17 the right of way, and also landscape maintenance.

18 MR. LEVENSON: We've certainly been talking to  
19 procure more mulch and compost so that they wouldn't  
20 have to use as many herbicides but, as you know,  
21 tracking even that has been difficult.

22 BOARD MEMBER MEDINA: As you can see, it has  
23 increased along the right of ways.

24 MR. LEVENSON: We'll follow up on that.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you,

1 Jose.

2 Okay. Thank you, Howard.

3 Dr. Jones, would you like to make your  
4 statement?

5 DR. JONES: Thank you for the opportunity to  
6 speak before the Board today. The Department of  
7 Pesticide Regulation recognizes the value of compost as  
8 a component of crop and landscape management.  
9 Particularly as compost uses complement our efforts to  
10 promote reduced pest management strategies in diverse  
11 settings.

12 DPR also recognizes that compost operations  
13 serve as a valuable means of recycling organic resources  
14 that would otherwise go to sanitary landfills.

15 DPR is concerned that residues from the  
16 herbicide Clopyralid have the potential to adversely  
17 affect composting developed from recycling organic  
18 materials in California.

19 As a department of Cal EPA, DPR values the  
20 opportunity to work with the Integrated Waste Management  
21 Board and its staff to solve the potential problems that  
22 could arise from uses of Clopyralid.

23 The DPR has notified the registrants of  
24 Clopyralid products about our concerns, and we have  
25 formed a work group to gather more information.

1           DPR needs data on Clopyralid residues in  
2 compost in California to help determine and provide the  
3 legal foundation for the most appropriate regulatory  
4 action.

5           We want to work with the Waste Board staff  
6 composters and registrants to better identify the  
7 contributing sources of the contamination.

8           We recognize that there are some uses of  
9 Clopyralid products that may not contribute residues to  
10 the compost stream. If DPR confirms that Clopyralid  
11 residues are making it into the compost stream, then we  
12 will take regulatory action to eliminate such usage in  
13 California.

14           Residue levels will not need to be at toxic  
15 levels in order for us to initiate regulatory action.  
16 DPR's goal is to prevent the problem from occurring.

17           DPR is considering its regulatory options, but  
18 we first need to review the reports of Clopyralid  
19 residues and compost in California.

20           If the data provided by the compost industry is  
21 not sufficient to provide a foundation for regulatory  
22 action, we will put all products containing Clopyralid  
23 into our reevaluation process.

24           This means that registrants must provide us  
25 with additional residue data, and identify their plans

1 to eliminate the potential for Clopyralid to contaminate  
2 compost.

3           The reevaluation approach will rely on the  
4 cooperation of the Waste Board and composters to provide  
5 registrants with access to California compost.

6           Once we have sufficient data, DPR can focus on  
7 the source of the problem and propose cancellation of  
8 those Clopyralid products that are the most likely  
9 source of contaminated residues.

10           During the cancellation process, registrants  
11 will have the opportunity to make a case to DPR on  
12 whether some uses could be preserved without adversely  
13 affecting compost. The ability of Clopyralid users to  
14 control the fate of organic material and prevent its  
15 migration into the compost waste stream will be an  
16 essential component of this evaluation.

17           For example, if golf course managers choose to  
18 use Clopyralid products to control weeds, it would be  
19 essential that their green waste not enter the compost  
20 stream.

21           Changing labeling is a third option that DPR is  
22 evaluating. DPR has been closely following the U.S.  
23 EPA's discussions with registrants of Clopyralid  
24 products over label changes designed to eliminate the  
25 problems with Clopyralid contamination and compost.

1           DPR believes there may be limitations to the  
2 utility of labeling to address the problem, particularly  
3 as it applies to the residential use of the products.  
4 However, if labeling eliminates uses of Clopyralid that  
5 are the most likely contributors to compost residues,  
6 this approach needs to be evaluated. And the previous  
7 example of golf course users would also apply to this  
8 evaluation.

9           Thank you.

10          BOARD CHAIR MOULTON-PATTERSON: Thank you, Dr.  
11 Jones.

12          Any questions before we go to our public  
13 speakers?

14          Okay. Matt Cotton will start off.

15          MR. COTTON: Good morning, Madam Chair, members  
16 of the Board.

17          I wanted to make a few brief comments on this.  
18 I certainly appreciate the Board taking this opportunity  
19 to look at this, and I want to thank the Board as I  
20 thanked Chair Moulton-Patterson on Monday for taking a  
21 strong approach to supporting organics and recognizing  
22 the Board, and I don't have to tell this Board just how  
23 important organics are to the achievement of AB 939 and  
24 the diversion goals we've worked so hard over 12 years  
25 to achieve.



1           It's been a tough year. Anybody want to talk  
2 about PR 1133, sudden oak death, ADC, and now, of  
3 course, Clopyralid.

4           I want to highlight a few things just to get a  
5 sense of the scope. All of you are familiar with the  
6 assessment of the infrastructure survey that was  
7 conducted by the Board.

8           Just a few things about the scope of the size  
9 of the problem. We've got over three hundred curbside  
10 yard waste collection programs in California, as you  
11 know. And those collectively produce more tonnage than  
12 all the other curbside recyclables combined, something  
13 in the order of 15 million cubic yards that we're moving  
14 out of the waste stream into the marketplace.

15          A study documented for the first time that more  
16 compost is going into agriculture than ever before. We  
17 know that now, we can say that. That's something this  
18 Board has worked on for the last twelve years. It took  
19 a long time, it took a lot of effort, it was Paul Relis'  
20 vision, this Board is continuing it.

21          Clearly if the data shows, clearly there's a  
22 lot more data we need, we do have more data, and Tobi is  
23 aware of that and we're happy to share that with you if  
24 you guys don't have it. It does seem to be appearing in  
25 compost, at least the preliminary survey data that we

1 have, that the data shows that that's going to impact  
2 the marketplace.

3           We argue it is impacting the marketplace. The  
4 headline in L.A. Times that said, "Stop the Killer  
5 Compost." I don't think it's a real jump, leap of faith  
6 to say it's going to affect the compost markets we've  
7 all worked so hard to build in the last twelve years.

8           There are a number of other considerations I  
9 haven't heard brought up today. There are allowable  
10 levels of Clopyralid residue in food materials. Only  
11 one number, I haven't really looked into this, the  
12 number that was given to me by the folks in Washington  
13 was 500 PPM is allowed in asparagus, for example. I  
14 don't know if that's true in California, I don't know  
15 what those levels are, perhaps someone could look into  
16 that.

17           But we're certainly increasingly talking about  
18 food waste compost. We're getting food waste, we're  
19 collecting food material out of a thousand grocery  
20 stores, and I have no idea what the impact of that is  
21 going to be on this situation, but that's something, in  
22 addition to all the other things to consider.

23           And briefly, I want to thank you for taking  
24 this seriously and really providing this opportunity for  
25 us, and hopefully we'll continue the discussion and

1 develop more research.

2           Putting on my U.S. Composting Council hat for a  
3 moment. I'm on the executive board of the U.S.  
4 Composting Council, as you all know. We've been working  
5 with Dow and we continue to work with Dow, in fact,  
6 representatives from the executive council are meeting  
7 with Dow representatives on Friday.

8           What the USCC is looking for is a quick and  
9 easy, reliable, duplicatable both in-field test as well  
10 as a laboratory test. There are not a lot of labs that  
11 can do this. Field tests take a lot of time and there  
12 are a lot of methodologies, so we're trying to look at  
13 streamlining that, standardizing that on a nationwide  
14 level.

15           The U.S. Composting Council is also hoping to  
16 work with Dow on a nationwide basis to survey where this  
17 is being used, overlay that with the compost is and what  
18 the impacts are, and we hope to be doing some research  
19 to learn a lot more about this.

20           There are opportunities to do that in other  
21 states. It is showing up in other states, it's not just  
22 Washington. I heard testimony from a gentleman in Ohio,  
23 a representative who operates of somebody called Herst  
24 Brothers who operate several facilities in Ohio. They  
25 find 50 PPB.

1           Again, we don't even know what a high number  
2 is. The numbers in California are lower than they are  
3 in Washington, we don't know what that means, but it is  
4 being found.

5           So with that I will let you go. If there are,  
6 if anyone doesn't have their copy of the U.S. Composting  
7 Council's position paper on this, I'd be happy to  
8 provide copies. I think Howard's got the most recent.

9           And I'd be happy to answer any questions.

10          BOARD CHAIR MOULTON-PATTERSON: Thank you,  
11 Matt.

12          William Bakx.

13          MR. BAKX: Hello. Thank you for allowing me to  
14 speak on this issue. My name is Will Bakx with the  
15 California Compost Quality Council.

16          We have been concerned with this issue for a  
17 long, long time. Our organization has represented both  
18 the composting industry as well as the end users,  
19 including California Landscape Contractor Association.

20          We decided at some point that we needed to have  
21 more information on the distribution of the pesticide in  
22 compost throughout California. I took the lead on this  
23 here and developed a protocol of how to do the testing,  
24 ran it by the Integrated Waste Management Board, by DPR,  
25 by Anatek Labs, as well as through the different

1 organizations, and came out with a document that  
2 everyone agreed upon could go out, and we did the  
3 testing accordingly. And Steve Grealey will talk  
4 shortly about that.

5 I think that what we have seen so far, and I  
6 like to use Washington state, is that the analogy comes  
7 to mind is that if you have a dog that bites, you put up  
8 a sign that says the dog may bite, and the label is out  
9 there that says this dog may bite, but there are holes  
10 in the fence, then we have to look at that. And the dog  
11 is out and it is biting. And we need to see how we can  
12 contain the dog to keep it out of our system. And I  
13 think that at the time we do not know what's going on,  
14 maybe we have to quarantine the dog.

15 If I may, I'd like to change hats right now as  
16 well and speak on behalf of Sonoma Compost. I'm also --  
17 is that okay, Chair, if I do that?

18 BOARD CHAIR MOULTON-PATTERSON: Yes.

19 MR. BAKX: Sonoma Compost is in a county that  
20 is the number one user of Clopyralid. And of course  
21 that made us very aware of where we stand. We got a lot  
22 of phone calls this morning before I came over here, I  
23 had already users standing at the front door asking me,  
24 that had been using our compost for a long time, "Should  
25 I still use this product?" I answered questions

1 non-stop right now. I deal with a lot of questions on  
2 Clopyralid.

3           What we have done in our situation is, in  
4 conjunction with our attorneys is look at how can we  
5 deal with this here effectively? And we are contacting  
6 every user that uses Clopyralid.

7           We had, there's an application form you can get  
8 from the Ag Commissioner on who uses this material. We  
9 contact them directly, and make 'em aware of what the  
10 problem is, and ask 'em to voluntarily not use  
11 Clopyralid anymore.

12           And hopefully we'll come up with a database of  
13 Clopyralid-free organizations in our county. And we're  
14 going to try to market that in order to reduce the use  
15 of Clopyralid in our county.

16           I don't want to see that come to our site, and  
17 I cannot tell, we do not have a fence around our site  
18 that does not allow Clopyralid. It has to be controlled  
19 at your end. And the Dow label and the way it's  
20 regulated at this point is no protection against a  
21 facility like mine.

22           Thanks for the opportunity to speak.

23           BOARD CHAIR MOULTON-PATTERSON: Thank you.  
24 Stephan Grealey. Stephan Grealey.

25           MR. GREALEY: Thank you very much for taking

1 this information and investigating this problem. I'm  
2 wearing first the CORC hat, the California Organic  
3 Recycling Council. I'm the president of that  
4 organization. And the test results you have been  
5 referring to earlier.

6           We sent out a request to all of the hundred and  
7 fifty organics management companies on the CIWMB  
8 database asking them to voluntarily send in a sample of  
9 their product for testing to Anatek Labs. Of that 150  
10 we estimated about a hundred of them are actually  
11 composters; and of that hundred, twenty of them have  
12 already submitted their results. And, as was explained  
13 earlier, they came back with two to 13 part per billion  
14 contamination.

15           Wearing my City of San Diego hat now, I spent  
16 an hour on the phone yesterday morning trying to explain  
17 to our biggest buyer what the situation was with  
18 Clopyralid.

19           And I, I'm in the situation of all the  
20 composters in California now that we can't give them any  
21 definitive answer of how, of what impact this will have  
22 in various uses. I think that's a very urgent need for  
23 the industry right now. We need to have some answers  
24 right away.

25           We have, currently have 2,000 yards of product

1 sitting waiting for the results of bioassay where the  
2 lab tests came back at six and nine parts per billion.  
3 That's \$16,000 worth of product sitting there that we  
4 may end up having to give away that we use as mulch or  
5 we use on-site for erosion control instead of selling  
6 it.

7           With the DPR that, the February 25th response  
8 we, CORC got from the Department of Pesticide  
9 Regulation, there are some, it seemed to be that the DPR  
10 was operating from a somewhat more conservative position  
11 than we would like.

12           Some quotes from the letter were, "We need a  
13 better definition of the problem as it exists in  
14 California." And I think we've been getting positive  
15 hits since June 30 of last year, so it's not a, it's not  
16 an issue which needs a lot more clarification is there a  
17 contamination problem.

18           And also, by the way, we're forty-second in the  
19 counties that use Clopyralid in California. So if we're  
20 getting hits and we're that far down the list, I'm sure  
21 it's widespread throughout the state.

22           And also they, the DPR has indicated that  
23 they're looking at label modifications. I think it goes  
24 way beyond that. As was mentioned by staff is, the  
25 chain of custody is so far removed from the composters



1 to the people that apply the material.

2           And then finally they didn't mention something,  
3 and I hope it was a typo, but they indicated in the  
4 letter that they would not require registrants of  
5 chemical compounds to, they wouldn't change their  
6 registration process until it was a widespread problem  
7 across many herbicides.

8           I think from what I've heard from Ms. Tobi  
9 Jones this morning I'm much more heartened that they are  
10 going to take a more proactive stance than that.

11           Finally back with my CORC hat, what do we want  
12 to see out of this? We think that the regulations that  
13 have been adopted in Washington State by the Washington  
14 State Department of Agriculture need to be adopted as  
15 fast as possible in California, just as a precautionary  
16 approach while we're studying the problem and seeing  
17 what the impact is going to be.

18           We need to get that fact sheet developed so  
19 that we can have something to hand out to our customers,  
20 and it's the same thing that's being told up and down  
21 the state. We don't want to increase the level of  
22 confusion in the industry.

23           We would like the Department of Pesticide  
24 Regulation to make that a standard protocol that they  
25 test any new chemical registrant, test the fate of their

1 product in compost.

2 And that the compensation issue is addressed.

3 Like if we lose \$16,000 worth of product, where do we go  
4 to get recompensed? And if any of our customers have  
5 product injury, where is, how is that liability going to  
6 be shared?

7 And I think, you know, finally wrapping up, I  
8 don't think it should be a finger pointing exercise. I  
9 think Dow is as much interested as us in a way in  
10 resolving this problem and making it work for everyone.  
11 So I think maybe as a goodwill gesture Dow could pull  
12 this product from the market in California while we're  
13 evaluating the extent of the problem, and not let it  
14 deteriorate to a huge problem before we start addressing  
15 it.

16 Thank you very much.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
18 much.

19 Mr. Jones.

20 BOARD MEMBER JONES: Mr. Grealey, I have just a  
21 couple of questions.

22 The, I think part of your testimony was that  
23 you got hits and DPR had said they need to have a  
24 database, they have to create a data file to make sure  
25 that, what it is, and how widespread it is, and you said

1 well, you know, obviously you're getting hits so it's  
2 widespread.

3 But do we know the feedstock that is, do we --  
4 you know, part of the Washington project was that they  
5 had everybody in the room and found out where the  
6 material was being used so that they understood where  
7 the likelihood was of feedstock coming in to composters.  
8 And I'm a little worried here that we need to follow a  
9 process to get that kind of information.

10 Because remember, today it's Clopyralid, we're  
11 dealing with sudden oak death, we're death with the  
12 arsenic wood, there's going to be something else in five  
13 months, and there's going to be something else in ten  
14 months; and if we don't come up with a process, we can't  
15 just simply go out and put bans on everything and say  
16 you can't do these things, because that doesn't keep  
17 your industry, which we endorse and I think, I don't  
18 think I have to talk about anybody on this Board and how  
19 hard we work to foster the growth of your industry. But  
20 I think we've got to be real careful in making sure that  
21 we've got the data so that DPR and the Waste Board knows  
22 where it's likely to show up from.

23 So you can decide where it's not appropriate  
24 and where it is appropriate. Because there will be  
25 other things that affect compost. And if you don't

1 think there are, I mean everything has an effect on  
2 something. So we've got to make sure that we've got a  
3 process in place that gets us to a point where we can  
4 have some kind of resolution that makes sense.

5 MR. GREALEY: I agree one hundred percent. I  
6 think if the DPR has, that that would be the process if  
7 they would check every new chemical that was registered,  
8 and possibly go through the existing database to have  
9 manufacturers determine the fate of their products in  
10 compost.

11 Because I heard at Biocycle on Monday that  
12 several other chemical companies have products very  
13 similar to Clopyralid which are very toxic at very low  
14 levels waiting in the wings to be introduced. So the  
15 point you made is, I think, right on the money.

16 BOARD MEMBER JONES: Okay. Thanks.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
18 Evan Edgar.

19 MR. EDGAR: Good morning, Madam Chair and Board  
20 members.

21 I'm Evan Edgar on behalf of Edgar Associates  
22 for the permitted compost facilities in California.

23 We are the California Compost Coalition. You  
24 heard from Matt Cotton today from the U.S. Composting  
25 Council; Will Bakx, the chair of the California Compost

1 Coalition; and Steve Grealey from the California  
2 Organics Recycling Council. We represent the compost  
3 industry in California.

4 I really appreciate the Chair's presentation of  
5 Biocycle on Monday, approaching the process where there  
6 will be a multi-visional cross-media approach to this  
7 where Cal EPA is in one place and under one house where  
8 we can get some solutions and a process in place to  
9 address this very important issue.

10 That was a great staff report. I think the  
11 staff has been really responsive to the needs of the  
12 compost industry, and the options for discussion, we can  
13 endorse every one of them.

14 In fact, we are doing a lot of it right now  
15 with regards to at the Biocycle for the last two days  
16 very active on exchanging information with Washington.  
17 We're very active on finding solutions. So we come up  
18 with Biocycle, we have a lot of good ideas, and we're  
19 looking forward for staff's discussion with DPR and the  
20 Waste Board in order to address a lot of these issues.

21 Part of the immediate issue in front of us, I  
22 would like to add a seventh recommendation, is the way  
23 the Waste Board has been championing product stewardship  
24 and manufacturer responsibility in green procurement as  
25 part of your strategic plan. That is a great

1 opportunity here.

2           The Dow chemical did have a label that was read  
3 into the staff report on page 2-8, and it's right off of  
4 the, you know, the manufacturing responsibility is  
5 occurring.

6           "Do not use grass clippings from turf treated  
7 with Confront for mulch."

8           "Do not use compost containing grass clippings  
9 from treated turf with Confront in the growing season  
10 application."

11           Well, as part of that manufacturer  
12 responsibility comes green procurement. I believe that  
13 any state agency, including Caltrans, that was a good  
14 idea by Mr. Medina, that if a state agency is currently  
15 using Clopyralid, and the grass clippings are going to a  
16 permitted compost facility, I believe we have a  
17 manufacturer responsibility on one hand, and a green  
18 procurement on the other hand to not allow the use of  
19 Clopyralid at state agencies for grass clippings going  
20 to permitted composting facility.

21           A solution to this, of course, is grasscycling.  
22 And grasscycling has been around longer than  
23 Clopyralid. Of course, there's some institutional and  
24 social aspects of grasscycling that hasn't worked in  
25 situations.

1           But where we have permitted compost facilities  
2 and where Clopyralid is in use and where we have state  
3 agencies using Clopyralid, I think there's a simple  
4 solution in the short-term that we can discuss in order  
5 to have procurement standards in the State of  
6 California, and have that trickle down to state and  
7 local governments, I mean local and county governments  
8 to have the same type of information as part of their  
9 green procurement standards.

10           Finally, we are sponsoring legislation, AB 2356  
11 by Keeley, the California Compost Coalition. We have a  
12 spot bill right now, and we're open to all ideas. It  
13 could be as limiting as a further study bill, but it  
14 could be some type of phase-in limitation for a  
15 selective ban, such as Washington has done. But we have  
16 time until April, May in order to discuss it.

17           We look forward to the next action item with  
18 the Waste Board in April where we'll talk about this  
19 further, and be developing different language with the  
20 stakeholders in order to have some type of program to  
21 address the Clopyralid issue.

22           I believe the framework is there. I believe we  
23 have the Washington model in front of us, but they're  
24 acting from the situation of reactionary, and I think  
25 that prevention is cheaper than cure. And we have an

1 opportunity here to prevent the sum numbers that  
2 Washington is getting as well as the green waste up to  
3 200 parts per billion. Today we're only from 2 to 13.  
4 I think the actions we take in the near term can prevent  
5 the crisis of tomorrow.

6           And what we see here with the multi-agency  
7 approach, the cross-media approach, there is no turf  
8 battle here. The turf battle is out here in the State  
9 of California, and we want to make sure that at the end  
10 of the turf battle that we have a sound solution to it.

11           Thank you.

12           BOARD CHAIR MOULTON-PATTERSON: Thank you very  
13 much.

14           Scott Johnson.

15           MS. WOHL: Madam Chair.

16           BOARD CHAIR MOULTON-PATTERSON: Yes.

17           MS. WOHL: Just one comment. We did have a  
18 staff person call Caltrans while we've been sitting  
19 here, and we're not sure how complete that data is,  
20 whether it includes all the district data or not, but at  
21 this point the use is minimal. And I believe it was 200  
22 acres, is that --

23           MR. LEVENSON: Yeah, the data that Mike  
24 Leason -- and thanks, Mike, for making that call. Larry  
25 Shields at Caltrans indicates the use at, it looks like



1 four ounces an acre and about 200 acres statewide,  
2 pretty minimal. But I will have to check and see  
3 whether that includes all the districts.

4 BOARD MEMBER PAPARIAN: Madam Chair.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you for  
6 being so responsive, Mike.

7 BOARD MEMBER PAPARIAN: That actually brings  
8 up, Mr. Edgar actually brought up an interesting point  
9 with regards to state agencies. It wouldn't just be  
10 Caltrans that potentially uses this material. Consider  
11 the range of state agencies that are involved, community  
12 colleges, even the prison system has some pretty active  
13 agricultural operations. Potentially state agencies,  
14 beyond others.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you.

16 Scott Johnson.

17 MR. JOHNSON: Good morning, Madam Chairman,  
18 Board members, my name is Scott Johnson. I'm a pest  
19 control advisor and vegetation management specialist. I  
20 live in Stockton, and I work for an agricultural  
21 chemical distributor that works all through California  
22 and, in fact, the western United States. And I'm  
23 wearing several hats today -- excuse me, I've got a  
24 little bit of laryngitis -- I'll tell you about those in  
25 a moment.

1           But first of all, I'm probably here to  
2 represent the segment of Clopyralid users that do not  
3 compost, and I just thought it might be useful to fill  
4 in some of the blanks, and also some of the right of way  
5 uses.

6           So I want to be available as a resource for  
7 that, and would like to be involved in any working group  
8 that either the Integrated Waste Management Board or  
9 California Department of Pesticide Regulation develops  
10 for this issue.

11           Some of the other hats I wanted to mention that  
12 I have is I am chairman of the California Forest Pest  
13 Council which is a group of professionals,  
14 entomologists, pathologists, vertebrate specialists, and  
15 weed people that are concerned about pest health in the  
16 forest. And we advise the Board of Forestry on such  
17 issues.

18           I'm on the California Department of Food And  
19 Agriculture's Noxious Weed Oversight Committee. I'm  
20 sure you've heard about this product, that's Transline  
21 used for yellow star thistle control.

22           And on a side issue, I want to mention I'm also  
23 on the executive board of the California Oak Mortality  
24 Task Force, and we'll be asking for your support of  
25 Assemblyman Nation's bill too. And the biggest portion

1 of that is handling the biomass for the oak, so I'm very  
2 much involved in that issue too.

3           So anyway, I just want to mention that  
4 Clopyralid is used by a lot of users that do not  
5 compost, and it's logical to think that they don't.  
6 Wild end users, forestry, timber, silviculturalist,  
7 noxious weed managers, and habitat restoration.

8           And that brought up the issue, in particular  
9 when Mr. Medina asked the question, is that the people  
10 that do the herbicide use in Caltrans are called  
11 landscape maintenance staff, and the people that write  
12 the recommendations, their pest control advisors are  
13 called landscape specialists. What they're actually  
14 doing is right of way application.

15           I would agree with Mr. Medina that if they can  
16 keep the, that if they do treat and happen to get some  
17 treated material that could go into biomass -- or pardon  
18 me -- into composting, that maybe they should keep it on  
19 site, because they're not going to be growing any of the  
20 vegetable crops that are susceptible to this herbicide.

21           But I did want to mention that landscape  
22 maintenance may mean more things to people than just  
23 managing turf around people's houses or parks or things  
24 like that.

25           One of the other things I wanted to mention is

1 that a lot of the, a lot of the herbicides are applied  
2 by applicators like myself who are licensed by the  
3 Department of Pesticide Regulation, and they have  
4 different license categories as to where they can  
5 apply.

6           A lot of the Transline is used in habitat  
7 restoration and noxious weed control. And we were  
8 looking for a category, a license category to apply this  
9 under, and it doesn't fit into crop agriculture, it  
10 doesn't fit into seed treatment or wood treatment or  
11 very seldom forestry; the one license category that we  
12 found it fit was called landscape maintenance. So I  
13 just want you to know that I think a lot of the poundage  
14 that's listed as landscape, it's there because they  
15 didn't have any other place to put it. But I'm pretty  
16 certain it's not going on places where material, plant  
17 material would be composted.

18           So we just, we're kind of, we want to be here  
19 at the show to make sure that our interests are covered.  
20 And just like in Washington state, the state up there  
21 took forestry and range land and all these other  
22 non-literal landscape uses out of consideration, and  
23 we'd like to protect those.

24           I just want to say that Clopyralid,  
25 particularly under the brand name Transline, is an

1 essential tool for, that helps us restore California's  
2 sensitive ecosystem and encourage native plants.

3           So I just would, unless you have any questions,  
4 I would just like to offer the California Forest Pest  
5 Council as a member of any working group created either  
6 by you or the California Department of Pesticide  
7 Regulation.

8           We think this is a very important product, we  
9 understand the issue, it's a legitimate issue, and I'm  
10 sure you'll hear from Dow Chemical how they want to work  
11 with you.

12           Any questions?

13           BOARD CHAIR MOULTON-PATTERSON: Mike.

14           BOARD MEMBER PAPARIAN: Yeah, actually. One of  
15 the licensed uses, as I understand it, would be for use  
16 in Christmas tree farms?

17           MR. JOHNSON: Yes.

18           BOARD MEMBER PAPARIAN: My question is, can you  
19 envision it actually being used in Christmas tree farms  
20 in California?

21           MR. JOHNSON: Under the brand name Stinger,  
22 that's the one, it's known as Lontrel or Transline, and  
23 it's registered for Christmas tree use.

24           And as of right now, not terribly likely, it  
25 is used a lot in the Pacific Northwest, but there are a

1 lot of herbicides that would be used to keep a weed free  
2 area for moisture preservation, and do a lot, and  
3 control of a lot of other weeds. They can certainly use  
4 it, but they could do a lot of other things with other  
5 herbicides, like Roundup for a lot less money.

6 Thank you.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
8 much.

9 Bryan Stuart, Dow AgroSciences.

10 MR. STUART: Good morning. Thank you, Madam  
11 Chair, members, staff. I have several other copies,  
12 Howard, of materials.

13 A lot of the items that I wanted to discuss  
14 have been mentioned, I'll try not to be redundant since  
15 Scott Johnson said fill in some blanks.

16 First of all, let me say that I'm the  
17 government relations manager for the western states  
18 involved in all regulatory policy issues. I have other  
19 co-workers here today that are involved in more  
20 technical issues and registration issues if questions  
21 arise that we need to discuss.

22 I've been active in this issue for probably  
23 four months. Sat on the technical advisory committee in  
24 Washington state, and I'll talk about Washington state  
25 because it's one of the first questions that people ask

1 us. And I think there are some important things to be  
2 learned today.

3           And I should start by saying that we are very  
4 sensitive to this issue. I learned a lot about the  
5 composting industry in the last four months. I can tell  
6 you I didn't know much about it before then. Even  
7 though we had very clear label language on our labels,  
8 we had issues of the type that we faced in Washington  
9 state.

10           I would say I was reminded this morning, it's  
11 garbage day in Carmichael, and I must have seen the  
12 green waste sign 500 times between my house and  
13 downtown. It reminded me of our responsibilities in  
14 this matter. We do understand that it's important for  
15 your diversion programs here and in other states.

16           On the materials that I've given you, we've  
17 tried to identify some of the general categories of  
18 activities that we've had, and also speak to a  
19 recommendation. So I'll go through those in general and  
20 can answer questions if you're interested.

21           I'd like to start with a couple of specifics on  
22 the background. And that is, this material was first  
23 registered in the U.S. in 1987, but it was not  
24 registered in California until 1998. And that use was  
25 primarily driven by interest in the control of star

1 thistle, and rights of ways for farmers, ranchers.  
2 Department of Food and Ag has an extensive program that  
3 I'm sure your aware of on basic weed management. And  
4 also in the local government arena.

5           Since then it has moved into the vegetation  
6 management process for turf. And you have a list in the  
7 staff report of a variety of products that are used  
8 there. It's used in landscaping. Without belaboring it  
9 I will reiterate what Scott Johnson says, that when we  
10 look at some of the data in the staff report and how  
11 it's characterized, based on the California use  
12 reporting system which is the best in the nation, there  
13 still are some ambiguities, and there's an opportunity  
14 to clarify with some of our sales information how to  
15 sort through, how the use of this product actually  
16 matches up better with use patterns which might be  
17 important in determining the potential nexus to  
18 composting.

19           We usually begin our discussions with a  
20 disclaimer that is included in the staff report, I won't  
21 belabor it. But this is an issue about sensitive  
22 plants, not about human health or even toxicology. This  
23 material has a very clean bill of health in that regard,  
24 and it was one of the reasons it was chosen for a lot of  
25 uses.



1           We have been very active, as has already been  
2 mentioned here today, working with the U.S. EPA to try  
3 to identify whether or not use patterns and label  
4 language needs to be changed.

5           We realize there are communication issues that  
6 need to be addressed, and we've started a very  
7 aggressive program in Washington state, and there are  
8 some stewardship opportunities with particular users  
9 that make sense for their commodity that may be more  
10 relevant there than in other areas.

11           In addition to these activities with the EPA,  
12 we have started dialogue with U.S. Compost Council. We  
13 have shared our label ideas with them. It's not clear  
14 exactly where those label changes are going to go, but  
15 we're trying to work on that on an expedited basis, and  
16 we have begun discussions with DPR.

17           We have invested a lot of money in the last  
18 year or so in trying to better understand the science  
19 behind this. Several people have brought up the need  
20 for more data. We agree with that. We're a science  
21 based data driven company.

22           We've probably spent over a quarter of a  
23 million dollars already in concert with Washington State  
24 University and a private lab in Maine to better  
25 understand the dissipation of this material,

1 particularly in turf, and to look at its fate in the  
2 composting system; not only existing types of composting  
3 systems, but other variables that might affect its fate  
4 in compost; temperature, moisture, and we're even  
5 looking at microbial amendments, and that's important  
6 because this material breaks down in soil due to  
7 microbial activity.

8           And I think the research will show that it  
9 doesn't break down with the same degree of composting.  
10 There are a variety of hypotheses out there as to why  
11 that's true, but what we do know is that it breaks down  
12 fairly readily in soil, that it's not a resistant  
13 material.

14           The half-life, and I'll mention this now, the  
15 half-life that was mentioned in the staff report was  
16 along the lines of 71 days. There's a lot of data on  
17 this, the range actually is from eight days to probably  
18 88 days, with an average in the 25 to 40 day range.

19           So we will provide staff with some more  
20 information on that.

21           And this material would probably not parce out  
22 as one of the more persistent materials out there, even  
23 among the existing materials that are used.

24           The last phase of the study that's going on  
25 right now in Maine has to do with trying to better

1 understand the relationship between levels in compost  
2 and their activity on plants.

3           Much of the information that you see, and in  
4 fact, all on how sensitive plants respond, the  
5 solanaceous materials, tomatoes, potatoes, and some of  
6 the composite family, as well as a variety of other  
7 garden plants are related to activity in soil, and so  
8 we're trying to get a better handle on the relationship  
9 to Clopyralid presence in the compost, and that  
10 information should be available soon.

11           It's important in trying to determine what  
12 levels are relevant, what levels are below biological  
13 activity.

14           I'll speak briefly about Washington state, and  
15 I can talk to more specifics if you're interested. It's  
16 been mentioned, as I said, much of the activity was  
17 precipitated from Spokane, Eastern Washington area, and  
18 some activities in Washington State University, in fact,  
19 in the year 2000.

20           Since then the Department of Ecology and the  
21 Department of Ag in Washington have gone out and sampled  
22 additional composting sites.

23           They did find Clopyralid. And without having  
24 seen the data that's been referenced today, the levels  
25 in Washington state were probably ten-fold or more

1 higher than the levels that have been reported here.  
2 And of course there's a broad range, but I think that is  
3 important, and I think we need to, we need to follow  
4 that trail and try to determine why that is.

5           In November, the Washington Department of Ag  
6 and Ecology organized a technical advisory committee.  
7 It was composed of composters, researchers, municipal  
8 government officials, Dow AgroSciences, and other  
9 stakeholders that were interested, in particular the  
10 user groups, who have the best information on the  
11 specifics of how the material was used, and have  
12 information on ways to manage this.

13           There are more regulatory activities that are  
14 more likely in the future. There are stewardship and  
15 education use practice changes that also make sense.  
16 And those folks are important to bring to the table.

17           And that, as one other comment on the staff  
18 report, even on your screen there were options for  
19 discussion that have been brought forward by  
20 stakeholders. I certainly believe after our experience  
21 in Washington that the user community has some specific  
22 recommendations that they can bring forward that would  
23 be helpful.

24           You've already talked about the emergency rule  
25 in Washington state. And I would just add to that that

1 there is a permanent rule in the future, that the time  
2 clock has started on that. It could be the same, it  
3 could be quite a bit different or slightly different  
4 from the existing rule.

5 I think I've addressed all the specifics that I  
6 intended to, although the question was asked about  
7 Christmas trees. That question also came up in  
8 Washington state.

9 Several things were done. People went and  
10 looked at the use practices of Clopyralid in those  
11 environments. Much of that is spot spraying. If it's  
12 used, it's often not used in the year in which the  
13 Christmas tree is harvested. And there were several  
14 composters in Washington that went out, and when  
15 Christmas trees were coming back in for composting,  
16 sampled those. And that's one of the reasons that the  
17 Christmas tree use was not included in the emergency  
18 rulemaking process in Washington as well.

19 I'd be happy to answer any other specific  
20 questions.

21 BOARD CHAIR MOULTON-PATTERSON: Any questions?  
22 Thank you very much for being here.

23 Bryan X. Thompson, Landscape Pest Management.

24 MR. THOMPSON: Good morning. I want to thank  
25 the Board for having this opportunity. I'm appearing on

1   behalf of myself as an interested, I want to  
2   characterize myself as an end user. I'm a pest control  
3   advisor, qualified applicator licensee, which under  
4   DPR's rules means I can run a business. And I do run a  
5   business that does a lot of applications in turf, urban  
6   areas, and works in this kind of environment.

7           Just to give you a little background. This  
8   particular material is a very attractive material when  
9   you consider the range of options for weed control in  
10  turf. And it is applied at very low rates, eight ounces  
11  to four ounces per acre, and it does have a fairly well  
12  known degradation pattern.

13           I need to kind of switch gears here. I run an  
14  application company in Orange County, we work on a lot  
15  of turf areas. And just to identify some of those  
16  areas, we work in HOA's, office buildings, and cities,  
17  and schools, all of which fall in areas where you have,  
18  the end user makes a recommendation on application, then  
19  leaves the site, and then a person controls the site and  
20  does other activities related to that site.

21           However, as a pest control advisor it is within  
22  the scope of my statutory responsibility to make  
23  recommendations on how the site is used related to  
24  particular pesticides. And I think this area, there's  
25  quite a bit of education to end users, and subsequently

1 to the, what you're calling the chain of responsibility  
2 here that could be addressed fairly directly.

3           If I step back one step from that, I'm on the  
4 Board of Directors for CAPA, which is the California  
5 Agriculture Production Associates, which is our pest  
6 control advisory group, and we do speak for most of the  
7 advisors in the state.

8           This type of issue is one that we're very  
9 interested in as a Board and as a group. We are working  
10 with DPR at this point. We're communicating with the  
11 Green Industry Council, and we're very interested in  
12 avoiding issues of this type.

13           And I think the, I would really like to urge  
14 the Board to consider end user education as probably  
15 your most effective and most responsive mechanism here.

16           Beyond that, can I answer any questions related  
17 to this?

18           BOARD CHAIR MOULTON-PATTERSON: Steve.

19           BOARD MEMBER JONES: Thanks, Madam Chair.

20           Define what you consider to be an end user for  
21 us, okay. You're the applicator?

22           MR. THOMPSON: Right.

23           BOARD MEMBER JONES: And tell me what, tell me  
24 who the guy is that's mowing the lawn?

25           MR. THOMPSON: Okay. Actually we use the term

1 who's on the end of the hose or running the tractor  
2 that's applying the material. But the, to answer your  
3 question directly, it's the person who buys the  
4 material, who specifies that material deals with the  
5 clients.

6 And I'm a small business owner and I buy, I  
7 make those specifications. But I make that  
8 specification primarily as a pest control advisor and/or  
9 a qualified applicator licensee.

10 BOARD MEMBER JONES: Right. But if, if the  
11 landscape, if the folks that are doing the actual  
12 landscape work, the maintenance --

13 MR. THOMPSON: Right.

14 BOARD MEMBER JONES: -- they're not involved in  
15 any part of the decision as to what the pesticides or  
16 the herbicides are going to be, correct, or are they?

17 MR. THOMPSON: Initially, no. But as a person  
18 who's applying or recommending a pesticide, I need to  
19 inform them, and this has emerged as an issue that I was  
20 not aware of.

21 BOARD MEMBER JONES: Right. No, I understand  
22 that, and that's why I'm trying to, you know, I think  
23 you're the perfect person to try to figure this chain  
24 out here.

25 So you've got somebody that's doing the work



1 and then you've got the actual property owners who are  
2 responsible either in their contract with that  
3 landscaped, landscape maintenance firm to either haul  
4 the product off-site or provide an area for them to  
5 dispose of it for the next step?

6 MR. THOMPSON: Right.

7 BOARD MEMBER JONES: And then it's going to end  
8 up going to a processor that's going to take a green  
9 material and try to either compost it or do whatever?

10 MR. THOMPSON: Uh-huh.

11 BOARD MEMBER JONES: And then it's going to go  
12 to an end user who would be a, could actually be you if  
13 you were going to use mulch as a form of pesticide  
14 control, which we'd endorse.

15 MR. THOMPSON: Yes.

16 BOARD MEMBER JONES: So that's how I view end  
17 user. And I needed to understand, because I've heard  
18 the term used a couple of times, the user is the one  
19 that actually recommends or applies pesticide in this  
20 arena.

21 MR. THOMPSON: Right.

22 BOARD MEMBER JONES: If a, if these folks in  
23 Orange County, these office buildings and things like  
24 that, I'm taking it it's office buildings -- is it  
25 residential tracts or, I mean, mostly office buildings?

1           MR. THOMPSON: We do mostly office buildings.

2           BOARD MEMBER JONES: Okay. So if they have a  
3 lot of lawn care needs, and they do on-site mulching,  
4 right, they do grasscycling on-site?

5           MR. THOMPSON: Yes.

6           BOARD MEMBER JONES: Is that something you need  
7 to know when you're applying pesticides? Because  
8 wouldn't that kind of change the dynamic of herbicides  
9 you need?

10          MR. THOMPSON: Yes, it would. Heretofore it  
11 has not been an issue because the material that, we make  
12 recommendations on material that's it's a fairly short  
13 life, say two to three weeks, and we know the material  
14 is going to stay on the site for that length of time,  
15 then it's not been an issue.

16          But this obviously is an issue where the  
17 material moves away from the site so we have a  
18 responsibility as part of the chain to communicate that.

19          BOARD MEMBER JONES: Okay. Thanks, I  
20 appreciate that.

21          Thanks, Madam Chair.

22          BOARD CHAIR MOULTON-PATTERSON: Thank you.

23          Appreciate your remarks, Steve.

24          Anyone else? Okay. Thank you.

25          Our next speaker is Bruce Williams, Golf Course

1 Superintendents Association of America.

2 And our last speaker is George Larson.

3 MR. WILLIAMS: Good morning, Madam Chair,  
4 Board, staff members. Thank you for the time to allow  
5 me to make this presentation.

6 I'd like to speak specifically to golf course  
7 use because you've heard a lot of comments from other  
8 areas, and my area of expertise certainly would only be  
9 in golf courses.

10 In the State of California here we have over  
11 2,000 golf courses. We have, as was indicated in the  
12 Power Point presentation before, a little bit different  
13 interest in this issue.

14 The state of Washington obviously saw it in  
15 their wisdom to exclude golf courses, and I'd like to  
16 share with you possibly some of the reasons for that  
17 decision.

18 Golf courses in the State of California here,  
19 we have a rather large and significant network of  
20 education, training, communication. Golf course  
21 superintendents are typically licensed pesticide  
22 applicators. They have a good working knowledge of the  
23 environment, a good working knowledge of agriculture,  
24 agronomy, etcetera.

25 With that, we are, not to confuse the issue of

1 what an end user is, but we are end users also in that  
2 we buy the product, we designate the product first, buy  
3 the product, and then we apply the product.

4           To explain that, I perhaps don't make the  
5 actual application myself, but I have a licensed pest  
6 applicator who's under my employ on my golf course, and  
7 this would be very similar for most golf courses in the  
8 State of California.

9           I must share with you that when I say most golf  
10 courses in the State of California, when you have over  
11 2,000 of them, it's very difficult to be empirical and  
12 state an absolute for every single one, so I'm just  
13 trying to cover most of the bases with this.

14           We believe in strongly integrated pest  
15 management on golf courses. We have been a front runner  
16 of this and have worked very actively with the EPA, both  
17 on a national and on the state basis as well, to try to  
18 use, whenever possible, better management practices. A  
19 product like Clopyralid has allowed us to do that.

20           We specifically use it in golf course use for  
21 legumes. Predominantly white clover is our target pest.  
22 On a golf course it would typically be about 150 acres.  
23 We would be applying that material to probably less than  
24 two to 3,000 square feet on that golf course.

25           Let me address for a minute a little bit about

1 the recycling and how that takes place on a golf  
2 course. Typically clippings are not collected on golf  
3 courses. Again I can't be empirical with all golf  
4 courses. But they are collected on the greens.

5           The greens do not receive herbicides because  
6 the herbicides would have a negative effect on the  
7 putting services.

8           With that, the fairways and the rough areas do  
9 receive herbicides, but that is not recycled. We do  
10 actively participate, not only the golf course that I  
11 work at but most all throughout the State of California  
12 actively participate in a recycling program of green  
13 waste, leaves, branches, debris that's out on the golf  
14 course, but that would not be inclusionary of anything  
15 that goes in there, anything that would have received  
16 any type of an herbicide application, let alone this  
17 material.

18           We have a very good handle on controlling the  
19 green waste on the golf course, sort of cradle to grave  
20 type situation. We know what's applied. We don't have  
21 an outside contractor working on the issue, we have it  
22 right there on our own property, and therefore I would  
23 share with you, it's a lot easier for golf courses to  
24 manage than perhaps some of the other user groups that  
25 have been brought out in today's discussion.

1           I believe that through the items that are  
2 listed on the Power Point presentation on the wall up  
3 there, very reasonable attitudes to look at, education,  
4 more research, communication.

5           We as the golf course superintendents through  
6 the California Golf Course Superintendents Association  
7 would like to be a part of that process. We'd certainly  
8 like to be a part of the dialogue and, if at all  
9 possible, be included in some of the work groups that  
10 are in on this discussion, and we think that we can add  
11 a lot to that.

12           So whatever groups designate those individuals  
13 that will participate, we'd certainly like to get your  
14 consideration.

15           And thank you very much for your time. And I'd  
16 be happy to answer any questions that you might have.

17           BOARD CHAIR MOULTON-PATTERSON: Mike.

18           BOARD MEMBER PAPARIAN: Yeah.

19           BOARD CHAIR MOULTON-PATTERSON: We have a  
20 question.

21           BOARD MEMBER PAPARIAN: Just a couple of  
22 questions for you to make sure I understand your  
23 testimony correctly.

24           You were saying for the areas where Clopyralid  
25 would be applied you would, the golf courses would be

1 grasscycling in those areas, you would not be collecting  
2 that material.

3 MR. WILLIAMS: The grasscycling, grass  
4 recycling of clippings takes place off of putting  
5 greens; putting greens do not receive Clopyralid as an  
6 herbicide, they do not at all.

7 BOARD MEMBER PAPARIAN: Okay. So the clippings  
8 on the putting greens are removed, but the clippings  
9 elsewhere are not removed?

10 MR. WILLIAMS: That is correct. They are  
11 mulched and they are used just right there on the  
12 property.

13 BOARD MEMBER PAPARIAN: Great. And are you  
14 aware, are there any golf courses not following that  
15 practice?

16 MR. WILLIAMS: I can't speak to that because,  
17 again, when we have 2,000 plus golf courses, there could  
18 be one somewhere that does not follow that practice, but  
19 to my knowledge all courses do follow that.

20 BOARD MEMBER PAPARIAN: Okay. Thank you.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
22 you for being here.

23 Last speaker, George Larson representing Waste  
24 Management.

25 MR. LARSON: Thank you, Madam Chair, I'll be

1 brief.

2 Just want to express on behalf of Waste  
3 Management the support for the position of the  
4 California Compost Council and their members, CCQC,  
5 CORC, and the U.S. Compost Council.

6 As you would, I'm sure, be aware, Waste  
7 Management is directly involved in the compost industry  
8 and/or providing feedstock to the compost industry.

9 Comments were made about the impacts on the  
10 marketing of compost. We also have a concern about the  
11 impacts on the collection as we, as service providers  
12 for many jurisdictions, contribute to the diversion's  
13 accomplishments of local jurisdictions through the  
14 collection of compostable materials. And of course, we  
15 do not want to see the diversion percentages be  
16 decreased by the inability for us to move this material.

17 We feel the critical, the need is critical and  
18 the timing is urgent, and we are very encouraged to see  
19 and strongly support the cooperative effort I see here  
20 today between this Board, the Department of Pesticide  
21 Regulations, and also the Department of Food and  
22 Agriculture.

23 So we endorse the comments made by the  
24 California Compost Council, and would like to see action  
25 as soon as practical.



1 Thank you.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.

3 Larson.

4 Okay. Questions, comments from Board

5 members?

6 Steve.

7 BOARD MEMBER JONES: Madam Chair, just a

8 couple. I'm, first off, I appreciate this dialogue. I

9 do want to, there's going to be a lot of people that are  
10 in this audience that aren't going to be in El Centro.

11 I want to congratulate our staff for the work  
12 that they have done on not just this issue but sudden  
13 oak death, PR 1133, and arsenic wood; you name it, it  
14 keeps coming. So I do want to do that because you've  
15 got an audience that won't be in El Centro.

16 But I think it's critical, and I heard an awful  
17 lot of people asking for this, that, as I understand it,  
18 and it's both from briefings from the doctor from Dow  
19 Agro as well as CRRC and others, that that work group in  
20 Washington was very valuable as far as trying to figure  
21 out, you know, what's in and what's out. And I think we  
22 heard some testimony today that said there may be huge  
23 segments that aren't even involved in this.

24 But what really scares me is that I think  
25 somebody said two to four ounces or two to eight ounces

1 might go for 30,000 square feet on a golf course, I  
2 think that was the number. And we're looking at 5,760  
3 pounds applied through landscape maintenance. That's an  
4 awful lot of material. Maybe it is only what they have  
5 been allowed to apply as opposed to what they've  
6 actually applied. I don't know how DPR lists that  
7 material.

8           And I think it's important when one of the  
9 speakers came up and said that it didn't fit into a  
10 category so they called it landscape maintenance, which  
11 is similar to some of the ADC discussions we've had  
12 where it was termed ADC when it was actually the  
13 foundation materials or other materials, it wasn't  
14 really ADC as we understood it.

15           So I would hope that a work group would be put  
16 together between DPR and the Waste Board and the  
17 interested stakeholder groups to define that both the  
18 usages, where it is and where it isn't, and what the  
19 alternatives would be for those areas, or what the  
20 education needs to be.

21           Clearly the gentleman that manages the pest  
22 application in huge office buildings, complexes in  
23 Orange County, I remember, those are beautiful complexes  
24 but they have an awful lot of lawns, and that stuff for  
25 sure is ending up in a composting facility or at least

1 processing facility somewhere.

2           So I think it's critical that that work group  
3 go together and, get put together so that DPR can come  
4 up with an appropriate method to deal with this.

5           I mean I'm process, process, process here,  
6 because there will be another Clopyralid, it will come  
7 in the form of something else, and we've got to  
8 establish a process, Madam Chair.

9           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
10 Jones.

11           Mike.

12           BOARD MEMBER PAPARIAN: Thank you, Madam  
13 Chair.

14           I also want to thank the staff, not only the  
15 Waste Board but DPR in working together in trying to  
16 help resolve this issue, and the stakeholders as well.

17           I think in this case our goals are clear, you  
18 keep compost as pure as possible so that this growing  
19 industry can succeed for all the reasons that have been  
20 outlined.

21           We at the Waste Board don't regulate  
22 Clopyralid, that's the job of DPR, so I'm glad that  
23 we're working very closely with DPR and that DPR is  
24 taking this issue very seriously. And hopefully we'll  
25 come up with the solutions that will result in the

1   composting industry succeeding as it should.

2               BOARD CHAIR MOULTON-PATTERSON:   Thank you,  
3   Mike.

4               And you know, one of the beauties of all being  
5   in the same building, the Cal EPA building is having  
6   lunch once a week with the heads of the departments and  
7   the chairs. And just yesterday I had a conversation  
8   with Mr. Hickox about this, and I think this is when it  
9   pays real benefits that we are all together.

10              And I just want to thank Dr. Jones so much for  
11   your testimony, it's really important. And our staff  
12   for doing a fantastic job on this report.

13              I heard that U.S. EPA has been involved. Have  
14   we, have we put anything in writing of our concerns or,  
15   you know, is this appropriate, Howard, to do this at  
16   this time?

17              MR. LEVENSON: Madam Chair, I know that I have  
18   spoken with representatives of U.S. EPA region nine, but  
19   we haven't put anything in writing. And I know that  
20   Tobi has spoken with U.S. EPA, but that would be an  
21   appropriate followup action.

22              BOARD CHAIR MOULTON-PATTERSON: I think so,  
23   right. And, you know, I also want to join my colleagues  
24   in saying, you know, we're definitely working closely  
25   with DPR on this. Perhaps coming back to us in April

1 with a work plan at our April Board meeting. Is that  
2 too aggressive?

3 MR. LEVENSON: I'm perfectly willing to do  
4 that. Our only constraint is that draft items are due  
5 in two weeks. If we could give you the work plan closer  
6 to the Board meeting that would really help.

7 BOARD CHAIR MOULTON-PATTERSON: That would be  
8 fine, because I'd really like to see this in April, and  
9 we'll be back here in Sacramento in April, and I think  
10 it would be appropriate since it's such an important  
11 issue that it be on the Board agenda rather than the  
12 briefing.

13 MS. WOHL: Madam Chair.

14 BOARD CHAIR MOULTON-PATTERSON: Yes, Patty.

15 MS. WOHL: I just want to confirm with Dr.  
16 Jones that she's comfortable with that.

17 BOARD CHAIR MOULTON-PATTERSON: Are you  
18 comfortable with that, Dr. Jones?

19 BOARD MEMBER JONES: We will --

20 BOARD CHAIR MOULTON-PATTERSON: Nothing like  
21 putting you on the spot here.

22 DR. JONES: We'll work very hard to make that  
23 work.

24 BOARD CHAIR MOULTON-PATTERSON: We appreciate  
25 it.

1 DR. JONES: We're very interested in working  
2 with you to resolve this problem.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you so  
4 much.

5 Okay. Any final comments from staff on this  
6 issue?

7 MS. WOHL: No, I think we learned as much new  
8 information here as probably everyone else, so it was  
9 very good.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
11 you so much.

12 MR. LEVENSON: If I can just ask some of the  
13 folks that I have not met if we can make sure that we  
14 have your cards so we can include you on communications,  
15 I'd appreciate that.

16 BOARD CHAIR MOULTON-PATTERSON: Right. And  
17 thank you to the speakers. It is so good to get all  
18 these points of view. So please give your cards to Dr.  
19 Levenson.

20 And we will proceed with the other two  
21 discussions items we have, we're going to do this before  
22 lunch. They should be very short, I'm told.

23 MR. SCHIAVO: I'd like to flip flop them and do  
24 item number four first because they traveled a long ways  
25 to get here.

1           BOARD CHAIR MOULTON-PATTERSON: Thank you.

2           MR. SCHIAVO: And we are talking in terms of 15  
3 minutes for this item.

4           BOARD CHAIR MOULTON-PATTERSON: Okay. We'll be  
5 doing item number four, discussion of completed contract  
6 services with Del Norte Solid Waste Management  
7 Authority, and then go to number three.

8           MR. SCHIAVO: It should be very short.

9           BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
10 you, Pat.

11          MR. SCHIAVO: The coop people will go ahead and  
12 make this presentation.

13          BOARD CHAIR MOULTON-PATTERSON: Yeah, I would  
14 appreciate it if we could clear the room quietly because  
15 we do have two other discussion items that we want to do  
16 before our lunch break.

17          Thank you.

18          MR. SCHIAVO: Go ahead.

19          MR. HENDRICK: Good morning.

20          BOARD CHAIR MOULTON-PATTERSON: Good morning.

21          MR. HENDRICK: My name is Kevin Hendrick, I'm  
22 the director of the Del Norte Solid Waste Management  
23 Authority which is a joint powers authority made up of  
24 the City of Crescent City and Del Norte County.

25          I want to thank the Board for allowing us this

1 time to provide a brief report on the successes of this  
2 program. The program is titled, "Rural Cooperative  
3 Recycling Infrastructure Development Program."

4 I didn't know until this morning there was a  
5 rule about having R's and Cs in the acronyms, but this  
6 has two R's and one C, otherwise it doesn't make any  
7 sense.

8 I told a friend I was coming to Sacramento to  
9 make this presentation and she exclaimed, "Wow, you're  
10 driving eight hours to talk for 15 minutes?" And I  
11 said, "No, I'm driving eight hours for a \$200,000  
12 contract." She thought that made a lot more sense.

13 But I seriously want to thank the Board for  
14 their support on this and tell you how much this  
15 contract has meant for us in our planning for our  
16 future.

17 And in fact, I brought my entire staff. I'd  
18 like to introduce my analyst, planner, recycling  
19 coordinator, and recycling cooperative development  
20 specialist, Ted. My staff.

21 Because our resources are limited we, all of us  
22 in Del Norte County have to take on many tasks, we must  
23 share and we must cooperate with others. So one of the  
24 ways we've done this was by forming the JPA with  
25 Crescent City and Del Norte County.



1           We also several years after that joined with 20  
2 other rural counties for the 21 county RCRC JPA.

3           And then just last year we were able to enter  
4 into an agreement between Del Norte County -- Del Norte  
5 Solid Waste Management Authority and the Humboldt County  
6 Waste Management Authority for this cooperative  
7 project.

8           And this is, I predict great success as we move  
9 ahead in the future.

10          I want to acknowledge the partners that we have  
11 in this project: Liz Sitrino could not be here today  
12 with the Humboldt Waste Management Authority; Marina  
13 Heart, our RMDZ administrator and coop coordinator;  
14 Danny Hara with the Center for Environmental Economic  
15 Development, one of the primary movers in putting this  
16 all on paper; and Larry Sweetzer with RCRC Environmental  
17 Services Joint Powers Authority.

18          I want to thank the waste -- California  
19 Integrated Waste Management for investing the funding to  
20 help us start up this program. I especially want to  
21 thank your staff, Steve Sorelle, Eric Bissinger and  
22 Kimya Lambert for sticking with us over the last two  
23 years and providing support and guidance as we've moved  
24 ahead.

25          And as I said, I'm going to turn this over to

1 Tedd, he's going to hit some accomplishments and some  
2 successes of this program. And then Larry Sweetzer will  
3 come up and talk about the tool kit that we produced for  
4 other rural counties to use. And then we'll answer any  
5 questions that you may have, and then we'll have lunch,  
6 right?

7 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
8 you.

9 MR. WARD: Thank you, Madam Chair and other  
10 members of the Board. I'll be as brief as I can.

11 First of all I'd like to highlight a map that  
12 you all have in front of you that gives you a good idea  
13 how much of the area of the state that we're hoping to  
14 reach through this program.

15 The central model was that Humboldt and Del  
16 Norte, who have already started quite a cooperative  
17 relationship with the great help from the Waste Board,  
18 could work together and explore different ways that we  
19 might be able to cooperate and then use this as a model  
20 that could be then shared and disseminated through the  
21 environmental services JPA to the other members of the  
22 rural, Regional Council of Rural Counties.

23 Very quickly I've got about eight different  
24 highlights, I'll cover three or four of them in terms of  
25 the accomplishments.

1           One of the, this built on our experience  
2   developing the Del Norte zero waste plan, and we're very  
3   encouraged to see that zero waste is now part of the  
4   Waste Board's strategic plan.

5           And the two main products that came out of this  
6   were a regional plan that serves for Humboldt and Del  
7   Norte County, and then that was modeled into a plan that  
8   is used as a tool kit that then would be disseminated to  
9   the other rural counties. Larry will tell you more  
10   about that in just a moment.

11           So some of the highlights include the, the  
12   expanded 33 Web pages on the Recyclestore.com website.  
13   And if you haven't checked it out recently, I strongly  
14   encourage you to do that, and hopefully pick up some  
15   products that are made in our area.

16           Also, we adopted and have begun implementing a,  
17   buy recycled policies for the County of Del Norte and  
18   Del Norte Solid Waste Management Authority, and we're  
19   looking at cooperative purchase opportunities with  
20   Humboldt County.

21           We are hoping that at your next Board meeting  
22   that you will positively consider the expansion of the  
23   Humboldt County recycling market development zone to  
24   include Del Norte County, to be renamed the North Coast  
25   Recycling Market Development Zone, of course enabling

1 financing for recycling based businesses to expand.

2           We expanded the infrastructure for increased  
3 diversion of the cathode ray tubes and other electronics  
4 through buying equipment for the coop in Humboldt  
5 County, and we sponsored the first and probably second  
6 in electronics collection in Del Norte County.

7           We produced a regional guide on reuse and  
8 repair. And the regional guide is really important for  
9 our two county area because it may not -- those of us in  
10 rural areas are used to driving long distances as a  
11 regular part of our lives, and in doing that we combine  
12 trips. So by knowing what reuse and repair  
13 opportunities there are in places where we're already  
14 traveling, that promotes reuse throughout the entire  
15 region, both north and south.

16           We invigorated a network of recovering  
17 businesses through a series of innovators forums.  
18 Generators who generate similar materials, and  
19 manufacturers who might be interested in manufacturing  
20 from similar materials, looking at ways that we might be  
21 able to cooperate and save transportation costs and  
22 similar cooperative types of savings.

23           One of the things that was a central theme of  
24 this is that in applying to expand the recycling market  
25 development zone we, of course, became more familiar

1 with the, all of the hoops that one has to jump through  
2 in order to put a competitive application together. But  
3 that's just a great program, because essentially we have  
4 to gather the information and form the partnerships that  
5 are necessary to make a regional program a success. And  
6 in looking at that we've actually formed a coop team  
7 that is essentially the same infrastructure as the  
8 recycling market development zone administration. And  
9 so it's kind of a RMDZ zone plus, because now we're  
10 looking at ways that we might be able to work  
11 cooperatively using and capitalizing on that same  
12 administrative structure.

13           And then finally we produced a cooperative tool  
14 kit to share the lessons we learned with other rural  
15 counties and to be disseminated through the U.S. JPA.  
16 And I'll have Larry tell you a little more about that.

17           Thank you.

18           MR. SWEETZER: I'm Larry Sweetzer on behalf of  
19 the Rural Counties Environmental Services Joint Powers  
20 Authority.

21           The U.S. JPA was contracted to develop the  
22 rural cooperative recycling tool kit for use in the 21  
23 counties and other counties. And the tool kit has  
24 basically provided a resource to, for the counties to  
25 address the unique needs of the rural jurisdictions and

1 development of the cooperative recycling opportunities.

2           It built upon the experiences of Humboldt and  
3 Del Norte County. And it was quite fun to work with  
4 that group of people on a lot of issues.

5           And the cooperative marketing aspects we looked  
6 at took all kinds of different forms; everything from  
7 sharing programs to sharing information and sharing  
8 concepts, both informal, formal and informal processes.

9           The process for the tool kit was I got to be  
10 the fly on the wall as Humboldt and Del Norte County  
11 went about their process in developing their own plan,  
12 and then take those processes that were developed and  
13 adapt them for use in a tool kit, a how-to guide.

14           And the idea wasn't to capture, was to capture  
15 the thought process behind development of the programs,  
16 not to just copy the program.

17           Glenn County, Modoc, Inyo counties are not  
18 going to have a fish waste composting program like the  
19 great one up on the north coast, but they can learn from  
20 that process and develop programs of their own.

21           The tool kit itself, one of the first steps, it  
22 was quite interesting to review all the original base  
23 year generation data. And all the Board members know  
24 what kind of a chore that can be.

25           It was quite interesting in realizing that out

1 of the 21 counties which cover 34 percent of California,  
2 they generate less than two percent of the waste, as  
3 well as having only less than two percent of the  
4 population. So that creates some challenges of its  
5 own.

6           So the idea was to develop potential markets  
7 and materials that we could target for this program.

8           And there was a woods analysis conducted,  
9 there's a section in the book on that, on how to  
10 determine what those materials and products would be.

11           And one of the key things we looked at was  
12 transportation. The staff report notes, the flyer you  
13 have, that it was less attractive in rural counties for  
14 buyers to collect material, that's not quite the word we  
15 use. But nonetheless, the distance to markets is a big  
16 issue in the development of recycling programs, and that  
17 was borne out in the UC study that the Board was  
18 presented with not too long ago.

19           But we did look at other options as far as  
20 developing local programs, back haul options, milk runs,  
21 and other things.

22           There's also an innovator forum that Ted had  
23 mentioned which I think is one of the keys to the issue  
24 of bringing all the parties together on the front end  
25 and the back end to develop programs.

1           And we did select some materials for targeting  
2 in rural counties in this tool kit, and that was for C&D  
3 waste, use and repair, carpets, electronics, and wall  
4 board.

5           We're also hoping to get participation in the  
6 recycle store. As you notice on the Board's recycle  
7 store program, that many of those products came out of  
8 the work of Del Norte and Humboldt County. We hope to  
9 get some of the other products of other rural counties  
10 in there as well.

11           The RMDZ component was a key aspect, as Ted  
12 mentioned. Many of our rural counties do have those  
13 RMDZ programs and zones and just need to put them into  
14 use.

15           Government purchasing is another component, and  
16 all our counties are developing their own procurement  
17 policies, partly to comply with grant requirements but  
18 also AB 939.

19           Now the application, once the tool kit is  
20 developed we're going to be going out to our rural  
21 jurisdictions and getting that information out there to  
22 them so that they can use it.

23           Some of the activities are actually going on  
24 now and we're sharing some of the concepts that are  
25 developed.



1           Glenn County has a great program for, they have  
2 a trailer parked at the landfill to take empty plastic  
3 pesticide containers that get recycled back into plastic  
4 pesticide containers. That's a concept that other  
5 counties can use.

6           We also have a program that the US JPA was a  
7 part of, which was a cooperative marketing in itself of  
8 a sort, where we assisted five of our counties as well  
9 as some of the cities to purchase park benches and  
10 picnic tables made out of recycled plastic to spread  
11 throughout those counties, and we got a price discount  
12 for the bulk purchasing.

13           We also have our household hazardous waste  
14 grant which we'll be picking up CRTs, universal waste,  
15 latex paint, oil filters, in a milk run throughout some  
16 of the counties. So that's some applications that we're  
17 looking at now.

18           So once we receive the full final approval of  
19 the Waste Board, we'll have a board of directors meeting  
20 and disseminate the information and get them going.

21           So thank you very much.

22           BOARD CHAIR MOULTON-PATTERSON: Thank you,  
23 Larry.

24           And I'd like to thank you for making the long  
25 drive up here. You might have to drive long distances,

1 but you live in one of the most beautiful parts of the  
2 state.

3 MR. HENDRICK: Yeah, it's always a pleasure to  
4 come appear in front of you. And I think, as Ted  
5 pointed out, we will be coming back when our RMDZ  
6 expansion application is in front of you. We've got  
7 quite a few other things going on.

8 I was asked to point out that the tool kit that  
9 Larry just referred to is not only being published in a  
10 hard copy, but I understand your staff are going to help  
11 put that on your website so these tools will be  
12 available for other jurisdictions as they're learning  
13 from both our successes and whatever mistakes we may be  
14 able to help them learn from.

15 So I just thank you again for this support,  
16 because it was not only the product that came out of it,  
17 but the process that we worked through with our partners  
18 to get to the point that we are right now. It's very  
19 been very useful for us.

20 Thank you.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
22 much.

23 MR. HENDRICK: Are there any questions?

24 BOARD MEMBER PAPARIAN: Anything else?

25 BOARD MEMBER PAPARIAN: I'll just echo, Madam

1 Chair.

2 Del Norte is certainly one of the gateways to  
3 California, and has shown the way as kind of a gateway  
4 to innovation in this area for rural jurisdictions. So  
5 I think you guys are doing really, really good work.  
6 Keep it up. I really enjoy what I've seen.

7 MR. HENDRICK: Well let me add then just one  
8 more further gratuitous plug for our county which is the  
9 home of the infamous Aleutian Goose Festival which is  
10 coming up at the end of this month, and I've given some  
11 information to Heidi, including a promotional poster.  
12 And you are all welcome, we'd certainly love to have you  
13 come up for the goose festival at the end of this month.  
14 And anytime you're welcome, let us know when you're  
15 coming and we'll show you around.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you.

17 MR. LEARY: Madam Chair, if I might, and I  
18 don't mean to detract from that very important  
19 announcement about the \*Aleutian Goose, but it occurs to  
20 me that this tool kit is very timely in the sense that,  
21 as you know, the Board staff has been participating with  
22 the Air Board in the development of their regulations  
23 prohibiting residential waste burning in rural  
24 environments, the burn barrel regulations. So those  
25 things are looking to become effective January 1st of

1 2004.

2           So with the development of this tool kit we can  
3 foster our relationship not only with the rural  
4 jurisdictions but with the Air Board as they move  
5 forward to get into the implementation phase of their  
6 burn barrel regulations.

7           So sometimes these things come together. Even  
8 though not planned, the timeliness is perfect.

9           MR. HENDRICK: And that is how we would see our  
10 role locally is to help inform people of the options  
11 that they have rather than burning the resources that we  
12 consider still have value.

13           BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
14 you very much.

15           MR. HENDRICK: All right. Have a good lunch.

16           BOARD CHAIR MOULTON-PATTERSON: Anything else?

17           MR. SCHIAVO: Item number three, and this will  
18 be a brief item. And this is discussion of petition for  
19 a rural reduction application and process.

20           And Tabetha Willmon will be making this  
21 presentation, this brief presentation.

22           MS. WILLMON: This two minute presentation.

23           BOARD CHAIR MOULTON-PATTERSON: You know what  
24 happens when we get hungry.

25           MS. WILLMON: I know. Well good afternoon. As

1 outlined in the agenda item, the Board is authorized to  
2 grant rural petitions for reductions in the planning and  
3 diversion requirements for rural jurisdictions that meet  
4 specific criteria.

5           This item is to present to you the application  
6 that was developed to assist rural jurisdictions who  
7 petition the Board for a reduction in their mandated  
8 diversion goals, as well as to go through the review  
9 process and options for Board action.

10           To give you a little history behind the rural  
11 reductions; in 1994 a law was enacted that allowed the  
12 Board to reduce the diversion requirements for rural  
13 jurisdictions if achievement of the mandated diversion  
14 requirement is not feasible due to specified conditions.

15           The Board developed regulations which outline  
16 the specific criteria required for the rural  
17 jurisdictions to petition for the reduction.

18           At its October, 1994, Board meeting, the Board  
19 approved the policy for granting reductions in the 50  
20 percent diversion requirement, which is attachment one  
21 of your item.

22           To date, eight jurisdictions have been granted  
23 the reduction in their 2000 diversion goals, with the  
24 reductions ranging from 25 percent to 37 percent.

25           The application itself, which is in attachment

1 two, was developed to assist rural jurisdictions in  
2 providing the necessary information for Board staff to  
3 evaluate and determine whether the jurisdiction has met  
4 the specified criteria outlined in statute, regulation,  
5 and Board policy.

6           Some of the criteria that Board staff will  
7 evaluate include a jurisdiction's waste stream;

8           Their geographic, demographic, and economic  
9 status;

10           Current diversion program implementation;

11           And their achievement of the 25 percent goal,  
12 or a reduced goal that was granted;

13           Proposed diversion programs;

14           And any other unique circumstances as presented  
15 by the jurisdiction.

16           The application was developed to maximize  
17 information that the Board currently has available in  
18 its databases, and to minimize the paperwork for the  
19 jurisdictions.

20           Board staff met with representatives of the  
21 rural jurisdictions during the development of the  
22 application and incorporated their feedback into our  
23 development. We are planning to make this application  
24 available through the Board's website.

25           Once staff have reviewed the application, the

1 request, along with Board staff's analysis, will be  
2 presented to the Board for its consideration.

3 Any jurisdiction that is granted a rural  
4 reduction must discuss in every annual report the  
5 reduction and whether it's still applicable. In  
6 addition, Board staff will be evaluating rural  
7 reductions at the time of the jurisdiction's biennial  
8 review, and will be presenting these findings to the  
9 Board.

10 If the Board finds that a jurisdiction is no  
11 longer eligible for a reduced rate, then the Board may  
12 rescind the jurisdiction's reduction.

13 This concludes my presentation, and I will be  
14 happy to answer any questions.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any  
16 questions? Okay.

17 Jim, did you wish to speak?

18 MR. HEMMINGER: Yes, thank you very much. I do  
19 appreciate the opportunity that the Board took to look  
20 at this agenda item. I think it's an advantage to help  
21 our rurals get a little feedback from the Board and the  
22 Board an opportunity to review the package before the  
23 applications are submitted, and we do appreciate that.

24 I do need to acknowledge all the efforts by  
25 Waste Board staff who have worked very, very closely

1 with our member counties, Cara, Tabettha, Elliot, and  
2 especially Kyle who has actually been coming to our  
3 meetings for over the last two years, heard all sorts of  
4 comments from all sorts of rural counties, and he's  
5 always been available to answer questions.

6 I did have an opportunity to circulate this  
7 package to all our member counties last week, and  
8 generally speaking we do feel that the application  
9 package does represent an appropriate balance between  
10 providing the Waste Board with the information they need  
11 to make an informed decision without requiring  
12 unnecessary detail or paperwork which would intimidate  
13 and perhaps discourage some counties from participating  
14 in this program.

15 I do know we're late, and actually Cara  
16 continues to help me by deleting about 85 percent of my  
17 presentation a few minutes ago before I got up here.  
18 Thank you, Cara.

19 I do want to say that I did actually go back  
20 and review AB 688, look at a little bit of the  
21 legislative history. What struck me was its simplicity.  
22 Of course, this was before 1995, evaluations, it was  
23 before 1066, it was before 2202. It was Sher's bill,  
24 and it was pretty simple; at least, it started out that  
25 way.



1           That if you're a rural county and you are able  
2 to demonstrate to the Board that you do have particular  
3 difficulties, we don't extend the rules or give you a  
4 corrective action plan, if you do have a particular  
5 situation there is a methodology by which your goal can  
6 be reduced.

7           And we do look forward to positive and  
8 thoughtful Board consideration when these come forward.  
9 There are some counties, many rural counties that do  
10 have, each county, although rural, has its own  
11 characteristics. We do have several that have exceeded  
12 50 percent, you recently approved Mono's annual report,  
13 last Board meeting, they will be coming forward with  
14 their annual reports having achieved the 50 percent  
15 goal.

16           Other counties will be coming forward with a  
17 request for a petition for reduction. And they will use  
18 this form and try to explain the basis for whatever  
19 number they're coming forward with.

20           In conjunction with 2202, I'm sorry 1066, I got  
21 my numbers mixed up. With the 1066 we have talked to  
22 staff and there are several rural counties who haven't  
23 made 50 percent yet, but they're implementing  
24 contingency programs and moving forward with something  
25 else. They aren't ready to come to the Board and say,

1 "I can only meet 39 or 42 percent. We need a  
2 reduction." They have indicated that they do want a few  
3 more years to put a program in place or see how a  
4 program develops.

5           So we are looking forward to some of the rurals  
6 not taking advantage of the rural reduction at this  
7 point, but requesting either time extension alternative  
8 diversion requirement under 1066 to allow them the  
9 opportunity to move forward with their programs, and  
10 with the understanding that if they do fall a little  
11 short it won't include the preclude future opportunity  
12 for consideration for reduction.

13           And just a heads up, we probably do have at  
14 least one, maybe two jurisdictions who had previously  
15 been granted rural reductions, '94 and '95. Since then  
16 new base year studies have been done, more accurate data  
17 is available, and I do anticipate that at least one or  
18 two jurisdictions with the rural reduction may be coming  
19 before you to ask to revisit the reductions and consider  
20 based on whatever evidence they can provide, ask for  
21 your consideration of revising it to a lower number.

22           So we look forward to working with Waste Board  
23 staff, the counties to help get these forward. And like  
24 I said, I look forward for your thoughtful consideration  
25 when they do come before you.

1           BOARD CHAIR MOULTON-PATTERSON: Thank you,  
2 Jim.

3           Any questions? Okay.

4           Thank you, and thank you to staff. We do have  
5 great people, it's a pleasure.

6           And that concludes our public briefing.

7           (Thereupon the foregoing was concluded  
8 at 12:18 p.m.)

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2

3 I, DORIS M. BAILEY, a Certified Shorthand  
4 Reporter and Registered Professional Reporter, in and  
5 for the State of California, do hereby certify that I am  
6 a disinterested person herein; that I reported the  
7 foregoing proceedings in shorthand writing; and  
8 thereafter caused my shorthand writing to be transcribed  
9 by computer.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said proceedings, nor  
12 in any way interested in the outcome of said  
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 as a Certified Shorthand Reporter and Registered  
16 Professional Reporter on the 20th day of March, 2002.

17

18

19

20

Doris M. Bailey, CSR, RPR, CRR  
Certified Shorthand Reporter  
License Number 8751

21

22

23

24

25

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

□